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ACTS

OF THE

SESSION OF 1872-73,

OF THE

General Assembly of Alabama

HELD IN

THE CITY OF MONTGOMERY,

COMMENCING NOVEMBER 18th, 1872.

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1873.

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WASHER STATE

L A W S
OF THE
STATE OF ALABAMA.

No. 1.] AN ACT

To amend an act entitled an act to amend section eleven (11) of an act entitled an act to establish revenue laws for the State of Alabama, approved February the 7th, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section eleven (11) of an act entitled an act to establish revenue laws for the State of Alabama, approved December thirty-first, one thousand eight hundred and sixty-eight, which is as follows, to-wit: "Be it further enacted, That there shall be, and hereby is levied, on all property in this State, real and personal, not herein exempt from taxation, an annual tax of three-fourths of one per cent." be so amended as to read as follows: Be it further enacted, That there shall be, and hereby is levied, on all property in this State, real and personal, not herein exempt from taxation, an annual tax of one-half of one per cent. ; provided, that this act shall not apply to taxes levied in this State during the year one thousand eight hundred and seventy, be amended so as to read as follows: That section eleven (11) of an act entitled an act to establish revenue laws for the State of Alabama, approved December thirty-first, one thousand eight

hundred and sixty-eight, which is as follows, to-wit :
 Be it further enacted, That there shall be, and is hereby levied, on all property in this State, real and personal, not herein exempt from taxation, an annual tax of three-fourths of one per cent., be so amended as to read as follows, to-wit : Be it further enacted, That there shall be, and is hereby levied, on all property in this State, not herein exempt from taxation, an annual tax of one per cent.

SEC. 2. *Be it further enacted*, That said act, approved February 7, 1871, be and the same is hereby repealed.

Approved December 21, 1872.

No. 2.]

AN ACT

Fixing the rate of taxation on real and personal property in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the approval of this act there shall be levied and collected on all property real and personal, not exempt from taxation, an annual tax of three-fourths of one per cent. for State purposes.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, are hereby repealed.

Approved February 17, 1873.

No. 3.]

AN ACT

To amend section one hundred and nine of act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one hundred and nine of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868,

which reads as follows: Section 109. Be it further enacted, That in the second week of March, 1869, and every three months thereafter, the county treasurer shall forward to the Auditor of State a certified list of all licenses issued by the probate judge, a copy of the paper, if any, in which such list was published, together with the money received for the State on such licenses, be and the same is hereby amended to read as follows: Section 109. Be it further enacted, That in the second week of March in each year, and every three months thereafter, the county treasurer shall forward to the Auditor of the State a certified list of all licenses issued by the probate judge, a copy of the paper in which such list was published, together with the money received for the State on such licenses, for which the Auditor shall allow the treasurer the same compensation as is allowed the tax collector for like services.

Commissions
on licenses to
County Treas-
urer.

Approved April 23, 1873.]

No. 4.]

AN ACT

To encourage the supply to the people of this State of cooking stoves and appurtenances thereto, at reasonable prices.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That upon payment to the Treasurer of Alabama by any person or partnership of the sum of five hundred dollars, the Treasurer shall issue to the person or partnership making such payment a license to sell by themselves or their agents, at any place or places in this State, cooking stoves and appurtenances thereto, which license shall be good and valid for one year from its date; *Provided, however*, that the person or partnership obtaining such license shall pay annually to each county in which sales are made under this license, one and one-eighth of one per cent. upon the amount of such sales in such county, depositing in advance on such sales a State and county tax on a sum of one thousand dollars, but shall be liable to no other tax, ex-

License tax.

County tax.

Merchants not
restricted.

No exclusive
privilege.

cept municipal taxes of incorporated cities and towns; *Provided*, This act shall not prevent merchants from selling stoves in the ordinary course of their business without paying this special tax; and *Provided, also*, That this act shall not be construed so as to confer any exclusive privilege whatever in the sale of stoves, and that all persons paying the same license fees shall be entitled to the same privilege of selling and peddling stoves.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 20, 1873.

No. 5.]

AN ACT

To restrict the counties to a certain rate of taxation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the taxes levied for county purposes in this State, shall not exceed one-half of one per cent., on the value of real and personal property. *Provided*, This bill shall not be so construed as to repeal special acts for special purposes.

Approved April 19, 1873.

No. 6.]

AN ACT

To keep in each county of this State a proportionate share of the public school money.

Poll tax re-
tained in each
county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That each county in this State shall receive as school money, all the poll tax collected in such county, and the school money thus received, shall be its full distributive share of the aggregate poll tax collected in the State.

Duty of Tax
Collector.

SEC. 2. *Be it further enacted*, That each tax collector shall, at the end of every month, pay all poll taxes collected during such month, to his county

treasurer, and take his receipt for the same in duplicate, endorsed and approved by the probate judge of his county, and the tax collector shall immediately forward one of these receipts to the State superintendent of public instruction, and a similar receipt shall be received as cash in the settlement of his accounts with the State Auditor.

SEC. 3. *Be it further enacted*, That the superintendent of public instruction shall, by the 10th day of December, in each and every year, or as soon thereafter as practicable, apportion to every county in the State, the nearest estimate he can make of the amount of school money such county will be entitled to receive for that scholastic year, from all sources, except from poll tax, and the special tax, if any levied, for school purposes in any county, and shall certify ninety per cent. of the same to the State Auditor, who shall draw his warrant on the tax collector of each county, for the amount thus certified, to be paid to the county treasurer of each county, and its payment shall be accounted as the payment of so much school money, and shall stand in lieu thereof.

Duty of State Superintendent.

SEC. 4. *Be it further enacted*, That such tax collector shall pay the Auditor's warrant, provided for in the preceding section, out of any State tax as that may come into his possession, and take up the warrants, together with a receipt from his county treasurer, endorsed and approved by the probate judge for the amount paid, and this receipt shall be received from the tax collector, by the Auditor, as cash in the settlement of his accounts.

How tax collector to pay warrant of auditor.

SEC. 5. *Be it further enacted*, That the superintendent of public instruction shall, as soon as practicable after the first day of May, of each year, apportion to each county in the State the balance of the school money that may be due to such county for that scholastic year, and shall certify the several amounts to the State Auditor, and State Treasurer, and shall immediately notify each county superintendent of the amount due his county, and the State Treasurer shall separate the amount thus due to each county from all other moneys in the treasury, and shall hold it thus separate, subject only to be

Further apportionment by State sup't.

disposed of for the benefit of the school of such county, as required by law, previous to the passage of this act, or as may hereafter be required by acts, of the school board of education.

Duty of county treasurer.

SEC. 6. *Be it further enacted*, That it shall be the duty of each county treasurer to keep all money received under the provisions of this act separate and apart from all other moneys, and the same shall be held as school money for his county, and shall not be paid out in any other way than in the manner and under laws provided by the school board of education.

Additional bonds required of county treasurer.

SEC. 7. *Be it further enacted*, That before any money shall be paid over to the county treasurer, under this act, such treasurer shall increase his official bond to such an amount as shall be authorized by the superintendent of public instruction, so that said increase will amount to at least double the sum of money that may be brought into his hands at any one time, by the provisions of this act, and said bond shall bind said treasurer to the faithful performance of his duties under this act, and shall be approved by the probate judge of said county, and a copy of said bond, certified by the probate judge, shall be forwarded to the superintendent of public instruction.

No additional compensation.

SEC. 8. *Be it further enacted*, That no additional compensation shall be allowed any county treasurer for services rendered under this act.

School money must bear part of expense for assessing and collecting.

SEC. 9. *Be it further enacted*, That nothing in this act shall be so construed as to prevent any school money from bearing its proportionate part of the expense of assessing and collecting the same, nor shall anything be so construed as to change the mode previously prescribed by law, for the payment of school officers, for services rendered, and it is hereby expressly declared that the true, and only intent and purpose of this act is to secure the "free public school money," so that it may be promptly applied exclusively to the support and maintenance of the public schools, and that this act shall in no wise interfere with or alter or change in any respect the apportionment of the free public school fund *pro rata*, to the white and colored children of this

State, within the educational age as now provided by the existing laws of the board of education.

SEC. 10. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved, April 19, 1873.

No. 7.] AN ACT

To compel tax collectors to pay over county taxes monthly.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of every tax collector, on or before the last day in each month, from and after the first day of September, in each year, and to the first day of March next thereafter, to report to the county treasurer of his county, under oath, in writing, taken before any officer authorized to administer an oath, the amount of taxes by him collected for his county, and to promptly pay over to the county treasurer the amount by him as reported, within five days thereafter, and upon the failure of any tax collector to perform either of the duties hereby required, he shall in every such case be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars.

Pay over on the last day of each month.

SEC. 2. *Be it further enacted*, That it shall be the duty of every county treasurer to report each violation of the provisions of this act to the next succeeding grand jury for the county, and upon his neglect or failure so to do, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars.

County treasurer report violation.

Approved, April 8, 1873.

No. 8.] AN ACT

To require tax collectors to collect uncollected taxes

which have been paid to the State or county by their predecessors in office.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever any tax collector, after paying over to the State treasurer the amount of State taxes with which he is properly chargeable, or paying over to the county treasurer the amount of county taxes assessed in his county, with which he is chargeable, shall have died, resigned or been removed, or otherwise vacated the office of tax collector of said county, before collecting in full from the tax payers, the State and the county taxes so paid over as aforesaid, it is and shall be the duty of the successor in office of such tax collector to collect from the tax payers of such county, for the benefit of the tax collector who has died or vacated his office, the State or county taxes assessed against them and not collected by him, but paid over to the State or county treasurer as aforesaid.

Fees and allowances.

SEC. 2. *Be it further enacted,* That all laws relating to the collection of taxes shall apply to taxes collected under the preceding section, and the collector collecting the same shall be entitled to the same fees and allowances as in other cases, to be deducted by him, from the taxes collected by him as aforesaid.

SEC. 3. *Be it further enacted,* That before any tax collector can be required to collect as herein provided, he must be furnished by the tax collector who paid over the taxes to the State or county treasury, or by his personal representative, if dead, with a list showing the names of the tax payers, and the amount of taxes assessed and due from each of them, and how much of such amount is for taxes on real estate, and how much for taxes on personal property; how much for State, and how much for county taxes, which list must be verified by affidavit.

Benefits extended to sureties.

SEC. 4. *Be it further enacted,* That whenever the sureties of any deceased, resigned, or removed tax collector shall have paid into the State treasury any State taxes, or into the county treasury any county taxes, which were not, in fact, collected by their principal from the payers against whom they were

assessed, such sureties shall be entitled to the benefit of this act to enforce the collection thereof.

Approved, April 16, 1873.

No. 9.] AN ACT

To require probate judges of this State to keep a record book in which shall be entered all licenses issued by them under the revenue laws of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judges of probate be and they are hereby required to keep in their office a record book in which they shall keep a record of licenses issued by them under and by virtue of the revenue laws of this State, stating the names of the persons and their professions, to whom issued, and the amount paid for such license. Duty of probate judges.

SEC. 2. *Be it further enacted*, That any judge of probate failing to observe the provisions of this act shall, upon conviction, be guilty of a misdemeanor. Penalty.

Approved, March 14, 1873.

No. 10.] AN ACT

To make appropriations for the fiscal year ending September 30th, 1873.

Be it enacted by the General Assembly of Alabama, That the following sums of money be and they are hereby appropriated for the purpose specified, to be paid out of any money in the treasury not otherwise appropriated, for the fiscal year ending September 30th, 1873. For the per diem and mileage of Senators and representatives of the general assembly and compensation of officers, clerks and employes of the senate and house of representatives, one hundred thousand dollars or as much

thereof as may be necessary at the rates provided by law. For the per diem and mileage of the members of the board of education and compensation of officers, clerks and employes of the board of education, five thousand dollars or so much thereof as may be necessary at the rates provided by law. For compensation of the Governor four thousand dollars. For compensation of the Lieutenant Governor, fifteen hundred dollars. For compensation of the Secretary of State, twenty-four hundred dollars. For compensation of the Auditor, twenty four hundred dollars. For compensation of the Treasurer, twenty-eight hundred dollars. For compensation of the Attorney General, two thousand dollars. For compensation of the Superintendent of Public Instruction, thirty-six hundred dollars. For compensation of Commissioner of Industrial Resources, twenty-five hundred dollars. For compensation of the Governor's Private Secretary, fifteen hundred dollars. For compensation of the Recording Secretary, twelve hundred dollars. For compensation of clerk in the Auditor's office, fifteen hundred dollars. For compensation of the keeper of the State capitol, one hundred and fifty dollars. For compensation of judges of the supreme court, four thousand dollars each. For compensation of circuit judges and chancellors, three thousand dollars each. For compensation of reporter of supreme court, two thousand eight hundred dollars. For compensation of marshal and librarian, two thousand eight hundred dollars. For watchmen, messengers and servants, to be employed by the Governor, and to be paid on his order, three thousand dollars. For contingent and incidental expenses, fifteen thousand dollars, or so much thereof as may be necessary, to be paid on the order of the Governor, in conformity to law as the public service may require. And one hundred and fifty dollars for compensation of the secretary of the senate, for filing papers of the senate with Secretary of State.

Approved April 23, 1873.

No. 11.]

AN ACT

To appropriate six hundred dollars for the purpose of distributing the acts of the present session of the General Assembly, and the Journals of the Senate and House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of six hundred dollars, or so much as may be necessary, be appropriated for the purpose of distributing the acts of the present session of the General Assembly and the Journals of the Senate and House of Representatives.

Approved April 23, 1873.

No. 12.]

AN ACT

To make an appropriation to pay the funeral expenses of the late Hon. W. J. Gilmore, deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That three hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay the funeral expenses of the late Hon. W. J. Gilmore, deceased, Senator from the Sumter senatorial district; that three hundred dollars, or as much thereof as may be necessary, be and the same is hereby appropriated to pay the funeral expenses of the late N. L. Whitfield as Representative from Taskaloosa county, and the Auditor is hereby authorized to audit and draw his warrant on the State Treasurer in favor of any person presenting properly certified accounts for services or articles rendered on those occasions for the funeral expenses of the said W. J. Gilmore and N. L. Whitfield.

Appropriation
for Gilmore's
expenses.

Appropriation
for expenses of
N. L. Whitfield

Approved Feb. 21st, 1873.

No. 13.]

AN ACT

To provide payment for furniture for the office of the judiciary committee of the House of Representatives, and for work done in the House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Auditor be, and he is hereby authorized and required to audit a claim of W. T. Copeland, for furniture furnished for the office of the judiciary committee of the House of Representatives, and draw his warrant on the Treasurer for fifty-six dollars, and to audit a claim of Charles Steners for furnishing and hanging three window curtains in the House of Representatives, and draw his warrant on the Treasurer for twenty-two dollars.

Approved April 23, 1873.

No. 14.]

AN ACT

To authorize the Governor to draw his warrant upon the Auditor to meet contingent expenses.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor be and is hereby authorized to draw his warrant on the Auditor for the sum of two thousand dollars to defray necessary contingent expenses to be paid out of any funds in the treasury.

Approved Dec. 12, 1872.

No. 15.]

AN ACT

To authorize the Governor to negotiate a loan of one hundred thousand dollars for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assem-*

bly of Alabama, That the Governor be, and he is hereby authorized and instructed to contract, on the part of the State for a loan of, not exceeding one hundred thousand dollars, reimbursable in such time and manner, and at such rate of interest as shall be agreed upon by the contracting parties, and to cause the proceeds of such loan, to be paid over to the State Treasurer, who shall give his receipt for the same. Loan authori'd

SEC. 2 *And be it further enacted*, That the said loan of one hundred thousand dollars, when obtained, or so much thereof as shall be necessary, be and the same is hereby appropriated for the payment of the members and officers of the General Assembly, now in session at Montgomery, and for the payment of the printing and other necessary expenses, connected with the present session of said bodies respectively: *Provided*, That the interest on said loan shall not exceed eight per cent per annum. How appropri-
ated.

Approved Feb 17, 1873.

No. 16.]

AN ACT

To authorize and require the Auditor to draw his warrant on the Treasurer in favor of Judge & Holtzclaw for a claim as retainer's fee against the State of Alabama, in the case of Receiver of the Central Bank of Alabama, versus the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor is hereby authorized and required to draw his warrant on the Treasurer for one thousand dollars, the same being for retainer's fee in the case of James M. Newman, receiver of the Central Bank of Alabama, versus the State of Alabama, the said warrant to be drawn in favor of Judge & Holtzclaw, counsel for the State in the aforementioned case.

Approved April 22, 1873.

No. 17.]

AN ACT

To authorize the State Treasurer to pay a warrant in favor of W. W. Allen, late Adjutant General of the State of Alabama for the amount of twelve hundred dollars, out of any moneys not otherwise appropriated.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the State Treasurer be, and he is hereby authorized to pay a warrant for twelve hundred dollars in favor of W. W. Allen, late Adjutant General of the State of Alabama, out of any money not otherwise appropriated, said warrant having been issued by the Auditor October twenty-fifth, one thousand eight hundred and seventy-two, and made payable from contingent fund when appropriated by legislative action.

Approved April 10, 1873.

No. 18.]

AN ACT

To regulate Elections in the State of Alabama.

Electors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upwards, who shall have resided in this State six months next preceding any election, and three months in the county in which he offers to vote, is, unless within the disabilities imposed by the succeeding sections of this act, a qualified elector and may vote within the county of his residence, and not elsewhere, for all officers elected by the people.

Residence defined.

SEC. 2. *Be it further enacted*, That no person shall lose or acquire a residence, first, by a temporary absence from his place of residence without the intention of remaining; second, by being a student in any institution of learning; third, by being confined for safe keeping in any jail or penitentiary; fourth,

by navigating any of the waters of this State, the United States, or the high seas, without having acquired any other lawful residence; fifth, by being absent from his place of residence in the civil service of this State, or the United States.

SEC. 3. *Be it further enacted*, That the following officers in this State shall be elected by the qualified electors, viz: Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Senators and Representatives of the General Assembly, Superintendent of Public Instruction, members of the Board of Education, Commissioner of Industrial Resources, Judges of the Supreme Court, Judges of the Circuit Courts, Chancellors, Judges of Probate, and Judges of other Inferior Courts, Constables, County Treasurers, Coroners, Justices of the Peace, Sheriffs, Clerks of the Circuit Courts and Clerks of other Inferior Courts, County Solicitors, Tax Collectors and Tax Assessors, County Superintendents of Education, County Commissioners, Representatives in Congress, electors for President and Vice President of the United States.

What officers
elected, by the
people.

SEC. 4. *Be it further enacted*, That general elections throughout the State shall be held for Governor, Lieutenant Governor, Secretary of State, auditor of public accounts, Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of Industrial Resources, Supreme Court Judges, and electors for President and Vice-President of the United States, and for members of congress, and members of the board of education, in each congressional district; a chancellor in each division; a judge of the circuit court for each circuit; a senator for each senatorial district; a probate judge, a representative or representatives to the General Assembly; sheriff, county solicitor, clerk of the circuit court, tax collector, tax assessor, county commissioners, coroner and county treasurer, shall be elected in each county; justices of the peace shall be elected in each precinct of the county.

General elec-
tions.

SEC. 5. *Be it further enacted*, That a general election for Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, members of Congress, representatives of the General Assembly,

When held.

Superintendent of Public Instruction, shall be held on the first Tuesday after the first Monday in November, 1874, and every two years thereafter.

TERMS OF OFFICE. SEC. 6. *Be it further enacted,* That the Auditor of Public Accounts, County Solicitor, State Senators, Commissioner of Industrial Resources, members of the Board of Education, and electors for President and Vice President of the United States, shall be elected on the first Tuesday after the first Monday in November, 1876, and every four years thereafter.

TERMS OF COUNTY OFFICERS. SEC. 7. *Be it further enacted,* That one sheriff, one coroner, four county commissioners, one county treasurer, one tax collector, shall be elected in each county; two justices of the peace for each election precinct, and one constable for each precinct in the county, shall be elected on the first Tuesday after the first Monday in November, 1874, and every three years thereafter.

TERMS OF JUDICIAL OFFICERS. SEC. 8. *Be it further enacted,* That judges of the Supreme Court, chancellors, judges of the circuit and city and probate courts, and clerks of the circuit and city courts, shall be elected on the first Tuesday after the first Monday in November, 1874, and every six years thereafter.

SPECIAL ELECTIONS: WHEN AND HOW HELD, ETC. SEC. 9. *Be it further enacted,* That special elections are to be held in the following cases: First, when a vacancy occurs in the office of senator or representative to the General Assembly, by reason whereof any district or county will be deprived of its representation, when the General Assembly will be in session prior to the next general election for that office. Second, when a vacancy occurs in the office of representative to the Congress of the United States, by which the State may be deprived of its full representation, at any time when Congress will be in session prior to the next general election for that office. Third, when any general or special election for members of the General Assembly, or for representatives in Congress is not held. *Provided further,* that in any other case of vacancy not herein provided for, that the same shall be filled by the Governor for the unexpired term.

SEC. 10. *Be it further enacted,* That all special elections provided for by this act shall be held on Tuesday. Held on Tuesday.

SEC. 11. *Be it further enacted,* That all special elections provided for by this act, are to be ordered by the Governor, who shall issue writs of election, directed to the sheriffs of the counties, in which such election is required to be held, and must specify therein the district or county, in which, and the day on which such election is to be held, the cause and object of the same; the name of the person in whose office the vacancy has occurred; and in all cases, in which a special election is directed in a district composed of more than one county, such election must be directed to be held on the same day in each county. Special elections ordered by the govern'r

SEC. 12. *Be it further enacted,* That the Governor must also give notice of any special election for representatives in Congress, or State office by proclamation. Notice of other special elect'ns

SEC. 13. *Be it further enacted,* That whenever the sheriff of any county receives a writ of election, directing a special election to be held, or receives notice of a special election for representatives in Congress, State or county officers, by proclamation, such sheriff must immediately give notice of the time, place, and object of such election, as provided for by law; and any sheriff failing to comply with the provisions of this section is guilty of a misdemeanor. Duties of sheriff.

SEC. 14. *Be it further enacted,* That when any special election is ordered by the Governor, the sheriffs of the counties in which such election is to be held, must, within three days after receiving notice thereof, notify the county supervisors of said county, of said special election; and any sheriff failing to comply with the provisions of this section is guilty of a misdemeanor, and on conviction must be fined not less than one hundred dollars. Penalty on sheriff.

SEC. 15. *Be it further enacted,* That special elections are to be held and conducted, the returns thereof made and certificates given, and unless otherwise expressly provided, be regulated in all respects by the provisions of this act in relation to general elections. Duty of sheriff as to special elections.

Conduct and returns of special elections.

Election-precincts. SEC. 16. *Be it further enacted,* That the counties are to be divided into election precincts, and the boundaries of such precincts defined as directed by their respective courts of county commissioners, during the month of January of each year; *provided,* that the election precincts of each county as now defined, shall remain unchanged until the first Monday in January, 1874. *Provided, further,* that no changes in precincts or boundaries shall be made except in the month of January.

Elections must be held at present precincts. SEC. 17. *Be it further enacted,* That the court house is the place of holding the elections in the precinct in which it is situated, and elections must be held at such places in the other precincts as are now designated by law for that purpose, or may hereafter be designated by the county commissioners in or after January, 1874.

Number and boundary. SEC. 18. *Be it further enacted,* That the number and boundary of precincts, and the places of holding elections, must be known and designated as entered upon the records of the court of county commissioner.

Ballot boxes. SEC. 19. *Be it further enacted,* That the sheriffs of the several counties shall furnish one ballot box for each election precinct, and when necessary, more than one, but in no case more than five, and that said boxes shall be made of wood, tin or sheet-iron, and securely fastened by lock, and any sheriff violating this provision shall pay a fine of not less than three hundred dollars, or be imprisoned at the discretion of the court, said fine to be recovered as hereinafter provided. *Provided,* That any failure to comply with this provision shall not in any way invalidate any election, when such boxes have not been used in consequence of such neglect, and the sheriff shall be paid out of the county treasury, the amount expended for said boxes.

When sheriff fails, duty of returning officer. SEC. 20. *Be it further enacted,* That when any sheriff shall fail to furnish such boxes, it shall be the duty of the returning officer, when such box has not been furnished, to procure such box as in his judgement will be suitable, in which to deposit the ballots at the precinct where he shall serve as said returning officer.

SEC. 21. *Be it further enacted.* That whenever a change has been made by the county commissioners of the boundaries of the precinct, or the places of voting therein, it shall be the duty of the probate judge to give notice of such change, to be posted up at the court house door, and at two public places at each election precinct by the sheriff; such notice must contain an accurate description of each precinct by its number, and must specify the place where elections are to be held; and if any changes are to be made in the boundaries or numbers of the precincts of any precinct, of the place where elections are to be held, the same must be specified; and any sheriff or judge of probate, failing to discharge his duties as to recording or giving notice according to this act, is guilty of a misdemeanor, and on conviction, must be fined not less than one hundred, nor more than one thousand dollars, at the discretion of the jury trying the same.

Notices of
changes in pre-
cincts.

SEC. 22. *Be it further enacted,* That the judge of probate, sheriff and clerk of the circuit court, or clerk of the city court, in the event of the absence of either of the others from the county for the space of ten days, between the period from thirty to sixty days, before the time of the election in their county, appoint three inspectors and one returning officer for each precinct, and if there be more than one ballot box at any precinct, three inspectors for each ballot box, two of such inspectors at each box to be of different and opposing party politics to each other, to act at the place of holding elections in each precinct; and it shall be the duty of the sheriff to notify in writing, such inspectors and returning officers of their appointment, within ten days after such appointment. Any judge of probate, clerk of the circuit court or clerk of the city court, or sheriff, failing to comply with the provisions of this section is guilty of a misdemeanor, and on conviction shall be fined not less than one hundred, nor more than one thousand dollars.

Appointment
of inspectors,
etc.

SEC. 23. *Be it further enacted,* That it shall be the duty of the inspectors and returning officers appointed, to meet at the place of holding elections in the several precincts in which they have been ap-

Duties.

pointed at the court house by seven o'clock, and at other precincts by 8 o'clock of the morning of the day of election, and open the several polling places as designated. Said inspectors and returning officers shall be entitled to two dollars *per diem* for their services.

When electors may serve as inspectors.

SEC. 24. *Be it further enacted*, That on the failure of any inspector or returning officer to attend at the court house by 7 o'clock, a. m., and at other precincts by 8 o'clock a. m., such as may be present may complete the number; if none of the inspectors appointed are present, the returning officer of the precinct shall appoint three inspectors to act, and if there should be no inspector or returning officer present at the court house by 7 o'clock a. m., and at the other precincts by 8 o'clock a. m., then any three qualified electors may open the polling places and serve as inspectors during the election.

Inspectors may appoint a returning officer.

SEC. 25. *Be it further enacted*, That if the returning officer is not present at the hour appointed, the inspectors, or those acting as such, must appoint one to serve during the election.

Clerks, and their pay.

SEC. 26. *Be it further enacted*, That the inspectors, or those acting as such, must, before opening the polls, select two persons to act as clerks, who shall be of opposite politics when practicable, who shall be paid two dollars for each day's service, by the county treasurer, when furnished with a certificate from the inspectors of elections.

Oath of inspectors and clerks.

SEC. 27. *Be it further enacted*, That before opening the polls the inspectors and clerks must take an oath to perform their duties at such election according to law, to the best of their judgment, and the inspectors must also swear that they will not themselves or knowingly allow any other person to compare the number of ballots with the number of votes enrolled, or to have access to, or the control or custody thereof, which oath may be administered by the inspectors to each other, or the returning officer or a justice of the peace.

Hours of polling votes.

SEC. 28. *Be it further enacted*, That the polls must be opened at the court house between 7 and 8 o'clock a. m., at each other place of voting in each precinct between the hours of 8 and 9 in the morn-

ing, and be kept open without intermission or adjournment, until the hour of 5 in the afternoon, and no longer.

SEC. 29. *Be it further enacted* That the inspectors, before they commence receiving ballots must cause to be proclaimed, at the place of voting, that the election is opened. Proclamation.

SEC. 30. *Be it further enacted*, That at all elections by the people the elector must vote by ballot, and in the county of his residence. Vote by ballot etc.

SEC. 31. *Be it further enacted*, That the ballot must be a white paper ticket, on which must be written or printed, or partly written or partly printed, the names of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended by him to be chosen. Description of ballot.

SEC. 32. *Be it further enacted*, That whenever any voter votes, one of the inspectors must receive his ballot and call his name audibly and distinctly; and the name of each elector whose ballot has been received must immediately be taken down by each clerk, on separate lists, which are headed "names of voters" and called poll lists, and the number of the order in which such elector votes must, at the same time, be entered by each clerk against his name—the first elector voting being numbered one, and the second numbered two, and so on to the last elector voting. Proceedings with ballots.

SEC. 33. *Be it further enacted*, That one of the inspectors must number each ballot with the same number as the name of the voter on the poll lists, and the ballot must then, without being opened or examined, be deposited in the proper ballot box. Numbered and deposited.

SEC. 34. *Be it further enacted*, That the judge of probate, sheriff and clerk of the circuit court, or any two of them, when appointing inspectors of any election, shall also appoint a board of challengers for each ballot box of the several precincts of the county, and shall make publication of the same in some newspaper in the county, and if there be no newspaper published in the county, by posting a written notice at each precinct, and shall have a notice of appointment served personally upon the members of the board of challengers, or left at the residence of Challengers: whom, how appointed, and duties.

each, by the sheriff of the county, at least thirty days before said election. The members of said board of challengers must reside in the county, and, if practicable, in the precinct, for which they are appointed, and shall consist of two intelligent and discreet electors from each political party in this State; and it shall be the duty of said board, or any member thereof, to challenge any person offering to vote whom they or either of them may know or suspect not to be lawfully entitled and duly qualified as an elector, and each member of said board of challengers shall take position and remain not less than thirty feet from the polls. Each member of said board of challengers, before entering upon his duties, shall be required to take and subscribe an oath, in writing, which shall be filed and recorded in the office of the judge of probate, that he will well and faithfully discharge his duty as such challenger, and that he will not challenge any person or persons from personal or political bias or prejudice, nor for the purpose of delaying or impeding voting at such election, and that he will dispose of all cases of challenges with as little delay as practicable, and will not allow it to impede or interfere with other persons than those challenged; and if said board of challengers, or either of them, shall fail or refuse to attend at the time of opening the polls, it shall be the duty of the inspectors of the election to supply by appointment, the vacancy in said board by the appointment of another of the same political party as the party failing or refusing to attend.

Penalty for failure or refusal.

SEC. 35. *Be it further enacted*, That any judge of probate, sheriff, clerk of circuit court, or inspector, willfully failing or refusing to discharge the duties required in the preceding section of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred nor more than one thousand dollars, and may also be imprisoned in the county jail for not more than twelve months, at the discretion of the jury trying the same.

Electors may be challenged.

SEC. 36. *Be it further enacted*, That any person offering to vote, who is believed or suspected by them, or either of them, not to be a qualified elector,

may be challenged by the board of challengers or any member thereof, but by no other person. *Provided*, That such election shall not be delayed by such challenge, but that the inspectors shall proceed to receive other votes while the oath is being administered by the challengers, or one of them, as hereinafter provided. Proviso.

SEC. 37. *Be it further enacted*, That when any person offering to vote is challenged; if his ballot is not withdrawn, one of the board of challengers shall, without delay tender him the following oath: "You do solemnly swear that you are a duly qualified elector under the constitution and laws of the United States, and the constitution and laws of the State of Alabama; that you have resided in this State six months and in this county three months next preceding this election, and that you have not voted at this or any other precinct on this day." And upon such aforesaid oath the ballot of such person must be received by the board of inspectors, and deposited, as in other cases. Oath tendered.

SEC. 38. *Be it further enacted*, That any person willfully and corruptly taking the oath prescribed in the preceding section the same being false, shall be deemed guilty of perjury, and, on conviction, shall be punished by confinement in the penitentiary for not less than two nor more than five years, at the discretion of the jury trying the same. Perjury, and penalty.

SEC. 39. *Be it further enacted* That if any person offering to vote refuses to take the oath prescribed in section 36 of this act, his vote shall be rejected, and the ballot marked with the name of the person offering it, shall be laid aside by the inspectors, and if such person take such oath then, his oath must be accepted, as in other cases. What done with vote of one refusing to take oath.

SEC. 40. *Be it further enacted*, That any person voting more than once at any election held in this State, or depositing more than one ballot for the same office as his vote at such election, or is guilty of any other kind of illegal or fraudulent voting, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than two nor more than five years, at the discretion of the jury trying the same. Illegal voting: penalty, etc.

SEC. 41. *Be it further enacted,* That any person simulating any device, or head piece, or any distinctive mark of any form of ballot or ticket of any political party in or at any election in this State, or printing or copying the same or allowing the same to be printed upon the printing press belonging to or upon the premises of such person; or any person who shall bring such tickets with a simulated device, head piece, or distinctive mark of the ballots of one political party, into this State from another State for the use of the political party, or any member of the political party, different from or opposed to the party whose device, head piece or distinctive mark of ballot or ticket it may be, shall be guilty of a felony, and upon conviction thereof, shall be sentenced to imprisonment in the penitentiary not less than two nor more than five years.

Simulating ballots.

Penalty.

SEC. 42. *Be it further enacted,* That any person on the day of any election, having in his possession simulated tickets, or tickets with the device, head piece or any other distinctive mark of one political party impressed or written thereon with the name or names of the candidate or candidates of the other political party written or printed thereon, or who may at or upon such election circulate or give out such ticket or tickets among the people, shall be guilty of felony, and shall, upon conviction thereof, be imprisoned in the penitentiary not less than two nor more than five years, at the discretion of the jury trying the same.

Possession of simulated ballots.

Penalty.

SEC. 43. *Be it further enacted,* That any person at any election who shall give to any voter who cannot read and write, a ticket upon which are written or printed the name or names of any candidate or candidates other than the candidate or candidates for whom such voter intends to vote at such election, and such voter shall vote such ticket, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary not less than two nor more than five years.

Attempt at deceiving ignorant voters.

Penalty.

SEC. 44. *Be it further enacted,* That any person at any election in this State, who shall deceive any voter who cannot read and write, and shall induce such voter to vote a ticket with the name or names

Penalty for deceiving ignorant voters.

of any candidate or candidates upon such tickets, for whom such voter does not intend or wish to vote, or with the name or names of any candidate or candidates for whom such voter desires to vote at such election, not printed or written thereon, shall be guilty of a felony, and shall, upon conviction thereof, be imprisoned in the penitentiary not less than two nor more than five years.

SEC. 45. *Be it further enacted*, That it shall be the duty of the judges of the circuit, criminal and city courts in this State to give the several penal sections of this act in special charge to their respective grand juries, to specially enquire into all illegal voting, and into any violation of this act, and also into any and all illegal acts committed by inspectors, returning officers, challenging or other officers of elections, within their respective counties or districts.

Duties of judges relative to giving this in charge.

SEC. 46. *Be it further enacted*, That it shall be the duty of the inspectors of all elections in the election precincts, immediately on the closing of the polls, to count out the votes that have been polled, and after so doing, to promptly certify the poll list, seal up the boxes containing the ballots and poll lists, and deliver them to the returning officer, who shall deliver such sealed boxes to the judge of probate, within forty-eight hours after they have been delivered to him, and take a receipt from the judge of probate for such sealed ballot boxes.

Duties of inspectors when the polls are closed.

SEC. 47. *Be it further enacted*, That judges of probate, sheriffs, clerks of the circuit court, or any two of them, of the several counties, are hereby constituted a board of supervisors of elections in and for their respective counties; and it shall be the duty of said board of supervisors to open, compare and count the ballots cast at all elections.

County supervisors.

SEC. 48. *Be it further enacted*, That upon entering upon their duties as a board of supervisors, each of the persons constituting such board must take and subscribe, in writing, an oath, as follows "I,, one of the board of supervisors for the county of, State of Alabama, at an election held in said county, on the of, 187.., for the election of, do hereby solemnly

Oath of county supervisors.

swear that I will well and truly perform the duties of supervisor of said election, as devolved upon me by law, so help me God". Which oath shall be sworn to and subscribed before any officer authorized by law to administer oaths, and shall be filed and recorded in the office of the judge of probate of the county; and any supervisor violating said oath, shall be guilty of perjury, and punished as provided in section 3558 of the Revised Code.

When county supervisors are of same political party, they must summon, etc.

SEC. 49. *Be it further enacted,* That when all the members of the board of supervisors who are present at the counting out of the votes at any election, are of the same political party, it shall be their duty to summon two discreet and intelligent persons of the other political party, whose duty and right it shall be to be present at the opening, comparing and counting of the ballots at any election, and who shall be required to take an oath, in writing, well and truly to perform their duty as assistant supervisors, which oath shall be filed and recorded in the office of the judge of probate; and any such assistant supervisor violating such oath, shall be guilty of perjury, and punished as provided in section 3558 of the Revised Code.

Returns to secretary of state within five days

SEC. 50. *Be it further enacted,* That it shall be the duty of the board of supervisors of election, within five days from the date of receiving the sealed boxes and certificates of the number of votes cast at each polling place from the inspectors, to make certificates, on blanks furnished by the Secretary of State, of the exact number of votes cast in their county for each person, stating the office such person is voted for, and forward them to the Secretary of State, excepting for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General, which shall, after such returns shall have been examined by the Secretary of State, be filed as other public papers required to be kept in his office, and shall be subject to the inspection of any elector of this State.

Other returns to presiding officer of the senate.

SEC. 51. *Be it further enacted,* That the board of supervisors shall forward a certified return of election for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General, to

the presiding officer of the Senate, at least ten days before the time fixed for the meeting of the next General Assembly.

SEC. 52. *Be it further enacted,* That it shall be the duty of the presiding officer of the Senate, within five days after the assembling of the General Assembly, in the presence of a majority of the members in each House of the General Assembly, to open the returns, and proclaim the result of such election, after which they shall be filed in the office of the Secretary of State, as required by section 50 of this act.

Duty of presiding officer of senate.

SEC. 53. *Be it further enacted,* That it shall be the duty of the Secretary of State to furnish, from time to time, the board of county supervisors with all necessary blanks upon which to make election returns.

Secretary of state to furnish blanks.

SEC. 54. *Be it further enacted,* That it shall be the duty of the Secretary of State to forward certificates of election to such persons as may be ascertained to be elected to any office in this State, addressed to the board of supervisors, at the court house of the county in which such person returned as elected may reside, within ten days after receiving such returns of election from the supervising board of the county; and it shall be the duty of said board of supervisors to forward said election certificates to the persons entitled thereto.

Certificates of election to be sent by secretary of state.

SEC. 55. *Be it further enacted,* That it shall be the duty of the Governor, upon the reception of the bond of any person thus elected, excepting supreme court judges, chancellors, judges of the circuit courts, Senators and Representatives of the General Assembly, and county commissioners, properly approved, as prescribed by an act approved August 1st, 1868, to forward such person a commission, under the great seal of the State, authorizing such person to enter upon the discharge of the duties of the office for which he may have been elected.

Governor to commission certain officers.

SEC. 56. *Be it further enacted,* That it shall be the duty of the Secretary of State to keep a book in his office, in which he shall keep registered the name of every person elected to any office in this State, exhibiting the division, district, circuit or county for which he may have been elected.

Registration of officers.

Elections may
be contested.

SEC. 57. *Be it further enacted*, That the election of persons declared elected to any office, which may be filled by a vote of the people, may be contested by any qualified elector of this State, for any one or more of the following causes :

Causes.

1. For misconduct, fraud or corruption on the part of any inspector, clerk, returning officer, or board of supervisors.

2. When the person whose election to such office is contested, was not eligible thereto at the time of such election.

3. On account of illegal votes.

4. Offers to bribe, or bribery, intimidation, threats to discharge from employment, violence, abuse, or any other misconduct calculated to prevent a fair, free and full exercise of the elective franchise.

Notice to ad-
verse party.

SEC. 58. *Be it further enacted*, That no testimony must be received of any of the illegal votes or other grounds of contest, unless the party contesting has given to the adverse party notice in writing of the cause or causes which he expects to name on the trial, which notice must be served personally, or by leaving a copy at the place of residence of the adverse party, at least ten days before the trial.

Statement to be
made by con-
testant.

SEC. 59. *Be it further enacted*, That whenever any elector chooses to contest any election to any office embraced in this act, he must make a statement in writing, setting forth specially,

1. The name of the party contesting, and that he was a qualified voter when said election was held.

2. The office which said election was held to fill, and the time of holding the same.

3. The particular grounds of such contest.

Which statement must be verified by the oath of the contesting party, or some one for such party, to the effect that he believes the same to be true.

Duty of probate
judge.

SEC. 60. *Be it further enacted*, That it shall be the duty of the probate judge to deliver to either party, on his application, copies of the poll lists, on being paid his legal fees therefor ; and on the trial of the contest, the judge of probate shall be required by subpoena *duces tecum* to produce the original poll lists and ballots filed in his office for examina-

tion, which shall be *prima facie* evidence of the fact that the person named in the poll list voted, and for whom he voted.

SEC. 61. *Be it further enacted,* That any party contesting any election under the provisions of this act, except as hereinafter provided, must give sufficient security for the costs of such contest, in such sum as the judge of the court in which said contest is to be tried, may deem sufficient; but in no case to exceed one thousand dollars.

Security for costs.

SEC. 62. *Be it further enacted,* That any person examined as a witness may be required to answer, if he voted at such election, and to answer touching his qualifications, except as to his conviction for any offence which could, under the provisions of this act, disqualify him. If he was not a qualified voter at such election, he may then be required to answer for whom he voted; and if any witness answers such questions, his answer must not be used against him in any way in any criminal prosecution for having voted at such election.

What may be required of a witness.

SEC. 63. *Be it further enacted,* That when any elector contests the election of any Senator or Representative to the General Assembly, he must first give security for the costs of such contests, which must be acknowledged before and approved by the clerk of the circuit court of any county of the senatorial district, if such contest be of the election of a Senator, or of the election of a Representative, by the clerk of the circuit court of the county in which such election was held.

Contest of member of the general assembly.

SEC. 64. *Be it further enacted,* That the contesting party must next give notice to the person whose election is contested, by having served on him or left at his usual place of residence, by the sheriff or some constable, a copy of the grounds of contestation and affidavit, as required by the provisions of section 57 of this act.

Notice to be served.

SEC. 65. *Be it further enacted,* That the security for costs must be given, and the person whose election is contested notified in the mode prescribed in the preceding section, within twenty days after he is declared elected.

Security and notice.

Return to clerk of circuit court. SEC. 66. *Be it further enacted,* That the original statement of the grounds of contest and affidavit must, after such service, be returned to the office of the clerk of the circuit court in which security has been given, with the return of the officer endorsed, which shall be presumptive evidence of the service.

Penalty for failure to give notice. SEC. 67. *Be it further enacted,* That if any sheriff or constable fail to give notice within the time, and in the mode prescribed in this act, if practicable for him to do so, he is guilty of a misdemeanor, and on conviction, must be fined not less than one hundred dollars.

Testimony. SEC. 68. *Be it further enacted,* That after giving the notice prescribed in this act, either party may take testimony, as hereinafter provided.

By deposition. SEC. 69. *Be it further enacted,* That such testimony must be taken by deposition; the commission to be issued on the application of either party, without affidavit, by the clerk of the circuit court of the county in which such election was held, on five days' notice of the time and place of taking it.

Copy of interrogatories to be served. SEC. 70. *Be it further enacted,* That if the testimony is taken by interrogatories, a copy of the interrogatories must be served upon the adverse party five days before the issue of the commission, or notice given of the time and place of taking the deposition; when taken without the interrogatories, the witnesses subpoenaed, subpoenas served, and certificates of attendance given in like manner, as is provided for taking the depositions of witnesses in actions at law; except that when taken by interrogatories, a written notice, giving information as to what officer applications will be made to issue the commission, must be served on the adverse party, with a copy of the interrogatories, and who may file cross interrogatories, if he chooses so to do.

Proceedings. SEC. 71. *Be it further enacted,* That if any witness, being summoned, fail to attend, the commissioner must certify the same on the back of the subpoena, and return the same to the next circuit court of the county in which such witness was summoned to appear, which court must proceed against him as against other defaulting witnesses in such

When witness fails to attend.

court; the return of the commissioner being presumptive evidence of his default.

SEC. 72. *Be it further enacted,* That such witnesses and commissioners are to be allowed the same compensation as is allowed to witnesses and commissioners upon the execution of commissions from the courts of law, to be taxed as hereinafter provided. Compensation.

SEC. 73. *Be it further enacted,* That all testimony taken in contests of election under this act, must be certified, endorsed and sealed up, as is required in taking depositions in suits of law; and if the contest is of the election of a Senator or a member of the House of Representatives of the General Assembly of Alabama, the depositions must be directed to the presiding officer of that branch of the General Assembly before which such contest is to be tried at the seat of government, and deposited in the nearest postoffice. Testimony; to whom sent.

SEC. 74. *Be it further enacted,* That on the determination of such contest, the secretary of the senate or the clerk of the House, as the case may be, must tax the costs due the commissioners, witnesses, the sheriff, and other officers for serving notices and subpoenas, as for similar services in courts of law, and certify the amount of each separate item, the name of the person entitled thereto, and the result of such contest, to the clerk of the circuit court in which security for costs is required to be given by the provisions of this act; and the clerk of such court must thereupon issue execution in favor of the successful party for the amount of such costs, specifying the items, the amount of each, and the person entitled thereto, with bills of cost, which execution must be made returnable to the circuit court of such county next after its issue, and may be issued as often as may be necessary, and must, when collected, be paid by the officer collecting, on demand to the parties thereto. Costs; how taxed.

SEC. 75. *Be it further enacted,* That if it be certified that the determination of the contest was against the party contesting, such execution must issue against such party and his security for costs. Execution against whom.

Clerk's fees.

SEC. 76. *Be it further enacted*, That the clerk is entitled to one dollar for issuing the first execution, and fifty cents for issuing each alias execution.

Procedure when officer is elected by vote of single county.

SEC. 77. *Be it further enacted*, That any elector choosing to contest any election for any office which is filled by the vote of a single county, except for members of the General Assembly or judges of probate, or to contest any election for justice or constable, must within fifteen days after such person is declared duly elected, present a statement of the grounds of contest, verified by affidavit as required by section fifty-seven of this act, to the judge of probate of the county in which such election was held, who must appoint a day not less than fifteen, nor more than twenty days from the time of such presentation, for the trial thereof, and endorse the same on such statement; he must also, at the same time, give security for the costs of such contest, to be approved by such judge; but in no case shall such judge of probate require more than five hundred dollars as security. A copy of such statement with the day of trial endorsed, must be served on the person whose election is contested, or left at his usual place of residence, at least ten days before the day appointed for trial, by any sheriff or constable, and the original notice returned to such, with the mode of service endorsed thereon. After the notice required has been given, either party is entitled to subpoenas to compel the attendance of witnesses on the day fixed for trial, which must be issued on application by the judge of probate before whom the contest is to be tried; the same proceedings may be had against defaulting witnesses as in matters litigated in courts of probate, such proceedings being returnable to any regular court of probate held within three months after such proceedings are taken. Testimony may also be taken by deposition in such cases, and in like manner as in cases litigated in the probate court. The witnesses and commissioners are entitled to the same compensation as in other cases, and the court may, for good cause, continue the trial to some other day, but no continuance must be over thirty days; and such trial

must not be continued more than twice on the application of the same party.

SEC. 78. *Be it further enacted*, That the judge of probate has authority to make an examination of the ballots given in such election, so far as the same may be necessary to arrive at a correct judgment, and must be governed in the trial and determination of such contest by the rules of law and evidence governing the determination of questions of law and fact in the courts of law in this State, so far as the same are applicable, and after hearing the proofs and allegations, must give judgment either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested, duly elected.

How far judge of probate authorized to examine ballot.

SEC. 79. *Be it further enacted*, That if it appear that any other person than the one whose election is contested, received the highest number of legal votes, judgment must be given declaring such person duly elected, which judgment, if it be in relation to an officer entitled under the provisions of the law of this State to a commission, must be certified to the Secretary of State, who must commission such person; and such judgment has the effect of depriving the person whose election is contested, of all claim and right to such office, and investing the person declared by such judgment duly elected, with the right to the same.

When person receiving largest number of votes is a party "to contest."

SEC. 80. *Be it further enacted*, That if it appear that two or more persons have received an equal number of legal votes for such office, the trial of such contest must be temporarily adjourned, and such result certified to the board of supervisors, and the casting vote being given, judgment must be rendered, declaring such person to whom such vote is given, duly elected, and if such person is not the one whose election is contested, the judgment must be certified to the Secretary of State, and such person commissioned as under the preceding section.

When there is a tie.

SEC. 81. *Be it further enacted*, That when the person whose election is contested, is proved to be ineligible to the office, judgment must be rendered declaring the election void as to such office and the

When person elected is ineligible.

office vacant, which vacancy shall be filled as is now provided by law.

Recovery of costs of contest

SEC. 82. *Be it further enacted*, That when the election is declared void, or when any other person than the one whose election is contested, is declared elected, the party contesting recovers of the person whose election is contested all costs for which execution may issue, returnable to any regular term of the court of probate, within three months after its issue.

Procedure in contest for office of judge of probate.

SEC. 83. *Be it further enacted*, That to contest any election for the office of judge of probate, the party contesting must file his grounds of contest, in the office of the clerk of the circuit court, and give security for the costs of such contest, to be approved by the clerk of the circuit court of the county in which the election was held, who must make the statement of the grounds of such contest, and give notice to the person whose election is contested, in the mode prescribed in the preceding sections of this act.

Circuit judges; procedure in contest.

SEC. 84. *Be it further enacted*, That any party choosing to contest an election for the office of circuit judge must, within twenty days after the person whose election he contests, is declared elected, presents the statement of the grounds of contests as required by section 57 of this act, to the chancellor of the division in which such election is held, who must appoint a day of trial, not less than thirty days nor more than fifty days from the day of such presentation, and the place of trial, which must be at some place in the circuit in which such election was held, and where, under the laws of this State, a court of chancery is required to be held, which day and place of trial must be endorsed on such statement.

SEC. 85. *Be it further enacted*, That a copy of such statement, with such endorsement thereon, must be served on the person whose election is contested, or left at his usual place of residence, at least twenty days before the day appointed for the trial, by a sheriff or constable, and returned to the register in the chancery district in which the same is to be tried, upon filing security for costs of such contest, to be approved by the register in chancery.

SEC. 86. *Be it further enacted,* That the provisions of the preceding sections of this act, in relation to contested elections, shall apply to all contests for the office of circuit judge, to be tried before the chancellors of this State, so far as the same are applicable.

Provisions of preceding sections apply.

SEC. 87. *Be it further enacted,* That in all contested elections an appeal lies from the probate to the circuit court, and a trial *de novo*, and in all contested elections before the chancery court, on the record to the supreme court, within twenty days; *Provided,* That in cases of appeal to the circuit court, that the presiding judge may order a special term for the trial of such contested election, at some time before the next regular term of such circuit court, and in the event that the cause is not ready for trial at such special term, such judge may appoint a special term at another time, but no further continuance shall be had at such second special term.

Appeal in contested cases.

Proviso.

SEC. 88. *Be it further enacted,* That before taking an appeal, the appellant must give bond and security for the costs thereof, to be approved by the judge of probate, register or clerk of the circuit court, but in no case shall the appeal bond be required for more than one thousand dollars, and the name of such securities, certified with the record, to the appellate court, and if the decision is against the appellant, the clerk of the appellate court may issue execution for the costs of the appeal against such securities.

Bond and security required

SEC. 89. *Be it further enacted,* That the judge of probate shall be entitled to three dollars for each trial of contested elections, and for other services in such contest, the judges of probate, sheriff, and other officers are entitled to the same compensation as for like services in the circuit courts, to be taxed as costs against the unsuccessful party.

Fees of officers

SEC. 90. *Be it further enacted,* That on the day prescribed by this act, there are to be elected by general ticket, a number of electors for President of the United States equal to the number of Senators and Representatives in Congress, which this State is at the time of such election entitled to.

Presidential electors.

Return of votes
for presidential
electors.

SEC. 91. *Be it further enacted*, That in all elections for electors for President and vice-President, the board of county supervisors of each county must, within five days after making the estimate of the county vote, as required by the preceding sections of this act, return the result of the same to the Secretary of State.

Duty of gov-
ernor.

SEC. 92. *Be it further enacted*, That the Governor, within fifteen days after the time for making the returns, as prescribed in the preceding sections of this act, in the presence of the Secretary of State, Auditor and Treasurer, or either of these in the absence of the others, estimate the returns, ascertain who are elected, and notify them by proclamation.

Governor to
decide tie vote

SEC. 93. *Be it further enacted*, That if on such estimate it is found that an election of the number of electors to which the State is entitled is not made, by reason of two or more persons having received an equal number of votes, the Governor must forthwith elect between those having an equal number of votes.

Meeting of pre-
sidential elec-
tors.

SEC. 94. *Be it further enacted*, That the electors for President and vice-President are to assemble at the seat of government at ten in the morning on the first Wednesday in December next after their election, or that hour on such other day as may hereafter be fixed by Congress to elect such President and vice-President, and those of them present at that hour must at once proceed, by ballot and plurality of votes, to supply the places of those who fail to attend on that day and hour.

Compensation
of presidential
electors.

SEC. 95. *Be it further enacted*, That each elector for President and vice-President is allowed ten dollars for each day he necessarily attends at the seat of government, and ten dollars for every twenty miles traveled to and from the same, to be estimated in the same manner as provided by law in relation to members of the General Assembly, to be paid on the oath of such elector, by warrant on the State treasury.

Penalty for
failure to make
returns.

SEC. 96. *Be it further enacted*, That if any officer or officers, required by the provisions of this act to make returns of any election to the Secretary of State or the presiding officer of the Senate, wilfully,

corruptly, or negligently fails or refuses to make such returns within the time herein prescribed, he forfeits to the State one thousand dollars, recoverable by motion to be made by the solicitor of the proper county, in the name of the State, in the circuit court of the county of such returning officer, upon three days' notice of such motion, and the certificate of the Secretary of State, or the presiding officer of the Senate, as the case may be, setting forth that such return has not been received, is presumptive evidence of the failure of such officer to make such return.

Sec. 97. *Be it further enacted*, That whenever the return of any officer or officers required by this act to be made to the Secretary of State or to the presiding officer of the Senate, is not received within the time prescribed, such Secretary of State or presiding officer of the Senate, must give notice thereof to the solicitor of the proper county, and furnish him with the certificate specified in the preceding section, and thereupon such solicitor must make the motion as heretofore required.

County solicitors to be notified of failure to make returns.

SEC. 98. *Be it further enacted*, That if any inspector, clerk or other officer on whom any duty is imposed by the provisions of this act, wilfully neglects to perform such, or is guilty of any corrupt conduct in the execution of the same, and such neglect or corrupt conduct is not herein expressly provided for, he is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than one thousand dollars.

Penalty for wilful neglect or corrupt conduct.

SEC. 99. *Be it further enacted*, That if any person, by bribery, or offering to bribe, menaces, threatens, discharges, or threatens to discharge, from employment, or by any other improper or corrupt means, attempts to influence any elector in giving his vote, or deter him from giving his vote, or disturb or hinder him in the free exercise of the right of suffrage at any election within this State, he is guilty of a misdemeanor, and on conviction must be fined not less than one hundred nor more than one thousand dollars, and sentenced to any work house or jail of any county in this State, for less than thirty

To secure the exercise of franchise.

days nor more than six months, at the discretion of the jury trying the same.

SEC. 100. *Be it further enacted,* That any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting as he intended, is guilty of a misdemeanor, and on conviction must be fined not less than five hundred dollars.

SEC. 101. *Be it further enacted,* That in all elections where there is a tie between the two highest candidates for the same office, for all precinct county officers, it shall be decided by the board of county supervisors; in case of the office of circuit judge, chancellor, or any State officer, it shall be the duty of the Secretary of State, in the presence of the Governor, Lieutenant Governor and such other electors as may choose to be present, to decide the tie by lot.

SEC. 102. *Be it further enacted,* That it shall be the duty of the sheriff of each county in this State, on each day of election to be present in person or by deputy, at all election precincts, where elections are held in his county, whose duty it shall be to maintain good order, and no person shall be allowed within thirty feet of the ballot box except while casting his vote, in order that each elector, who desires to vote shall do so without interference or interruption, and to maintain good order and carry out the intent and purpose of this act, such sheriff or his deputy may specially deputize a sufficient force to act at all election precincts, on the day of any election, that he, in his judgment, may deem necessary to maintain good order, and in case of necessity, raise a *posse comitatus* to put down all riots, or attempted riots or disturbances.

SEC. 103. *Be it further enacted,* That any sheriff or deputy sheriff wilfully or corruptly failing to perform any of the duties imposed by the last preceding section of this act, shall be guilty of a felony, and on conviction shall be fined not less than one thousand dollars, nor more than five thousand dollars, and imprisoned in the penitentiary for not less than two, nor more than five years, at the discretion of the

Penalty for altering or changing votes.

Decision of tie votes.

Duty of sheriff on day of election.

Penalty for failure.

jury trying the same, and the office of the said sheriff declared vacant.

SEC. 104. *Be it further enacted,* That if any person or persons disturb on election days, or prevent, or in any way attempt to prevent any elector from freely casting his ballot, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than five hundred, nor more than one thousand dollars, and sentenced to any workhouse or jail of any county of this State, for not less than six months, nor more than one year, at the discretion of the court trying the same.

Interference
with electors.

SEC. 105. *Be it further enacted,* That no elector shall be arrested on the day of any election, upon a warrant or process issued previous to, or upon such election day, unless the same charges the commission of a felony, and shall be free from arrest on such election day, except as aforesaid, unless it be for a violation of any of the provisions of this act, or for a breach of the peace, or attempt of a breach of the peace, and in such cases the sheriff or deputy sheriff shall arrest such person or persons so violating without process, and safely confine such person or persons until he or they can give bond with good security, to be approved by the sheriff, for his appearance before the next circuit or city court, to answer any indictment which may be found against him, and, in case of failure to give bond, such person shall be committed to the county jail to await the action of the grand jury of the county.

Electors free
from arrest.

SEC. 106. *Be it further enacted,* That it shall be unlawful for any person or persons to sell, or give away any liquors of whatever kind or description, on the day before or during the day on which any election may be held in this State, and it shall be the duty of the sheriff, deputy sheriff, or any constable, to arrest all persons violating the provisions of this section, as prescribed in the last preceding section of this act: and any person violating the provisions of this section is guilty of a misdemeanor, and on conviction, must be fined and imprisoned, at the discretion of the court trying the same.

Prohibition
of spirituous
liquors.

SEC. 107. *Be it further enacted,* That it shall be unlawful for any person to vote at any county or

Unlawful to vote without taking the prescribed oath.

State election in this State, who has not duly taken and subscribed to the oath prescribed by section 4, article 7, of the constitution of this State; and any person violating this section of this act shall be guilty of a misdemeanor, and, on conviction thereof shall be fined in a sum not less than one hundred, nor more than one thousand dollars, or imprisoned in the county jail, or sentenced to any workhouse of any county of this State, not less than one, nor more than six months, at the discretion of the court trying the same.

Penalty on officers for failure or neglect.

SEC. 108. *Be it further enacted,* That any officer or person acting under the provisions of this act, who falls or neglects, without good and reasonable excuse, to discharge his duty as such, or who violates any duty imposed upon him by the terms of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, at the discretion of the jury trying the same.

No discretion to grand juries.

SEC. 109. *Be it further enacted,* That in considering questions of misdemeanors under this act, the grand juries shall not be allowed a discretion as to finding bills, but it is hereby made and declared to be their duty, in any case in which proof is made before them sufficient to authorize it, to find bills for misdemeanor.

What laws repealed and what continued in force.

SEC. 110. *Be it further enacted,* That the act to regulate elections in this State, approved October 8th, 1868, and all laws and parts of laws in contravention to the provisions of this act, be and the same are hereby repealed, except sections 397, (348) 398, (349) 399 (350) of the Revised Code of Alabama, and as much of section 34 of an act entitled an act to regulate elections in this State, approved October 8, 1868, which is as follows: "And any person who questions, challenges or objects, or who unlawfully hinders or delays any person offering to vote, shall be guilty of a misdemeanor, and, on conviction, shall be fined five hundred dollars and on failure to pay the same shall be imprisoned in the county jail for six months: *Provided,* That the penalty in this section shall not apply to any member of the board of challengers at

any election ; which sections and such part of said section 34 are hereby declared in full force and effect : *Provided*, as to contests pending at this time under said act of the 8th of October, 1868, that the said act shall continue to be of force and effect.

Approved April 22, 1873.

No. 19.] AN ACT

To maintain the credit of Alabama.

WHEREAS, The vast natural wealth of Alabama puts beyond doubt the ability of the State to satisfy every outstanding liability contracted by the State: and, whereas, it is the unalterable purpose of the State to satisfy every such liability, at the earliest practicable period, Therefore,

Preamble.

Be it enacted by the General Assembly of Alabama, That the Governor of said State is hereby authorize to issue and dispose of the bonds of said State for an aggregate sum not exceeding two millions of dollars, and bearing interest at a rate not exceeding eight per centum per annum, the principal of which bonds shall be payable in not less than five years, nor more than twenty years from their date, at such place or places as may appear on their face, and the interest upon which bonds shall be payable semi annually, at such place or places as may appear on the face of the bonds, or on the face of the coupons attached thereto ; such bonds to be issued in such form and for such amounts respectively, as the Governor may deem proper, and to be signed by him and attested by the great seal of said State.

Two millions.
in bonds authorized.

SEC. 2 *Be it further enacted*, That out of the proceeds of the bonds so issued and disposed of by the Governor, or with such bonds, the Governor is hereby requested and authorized to satisfy every liability contracted by the State which has heretofore matured, and every such liability which may hereafter mature, at the maturity thereof.

Disposition
of proceeds.

Approved Dec 21, 1872.

To maintain the credit of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor of the State of Alabama be, and he is hereby authorized and empowered, to issue the bonds of the State of Alabama for the sum of one million and five hundred thousand dollars, or such amount thereof as he may deem necessary to meet any deficiency in the Treasury, and bearing interest at the rate of eight per cent. per annum, payable semi-annually, in the city of New York, with coupons attached, the bonds payable in not less than twenty years, nor more than thirty years from the date of such bonds.

Bonds for
\$1,500,000 au-
thorized.

SEC. 2. *Be it further enacted,* That said bonds shall be issued in sums of "one thousand dollars each," and shall be signed by the Governor, Auditor of State and State Treasurer, and shall have the great seal of the State attached thereto. The coupons for interest shall be signed and numbered by the State Treasurer, and the principal shall be payable in the city of New York. The said bonds may be transferred by delivery, and the faith and credit of the State of Alabama are hereby pledged for the payment of interest on said bonds, as the same shall accrue, and for the payment of principal, when the same shall become due under the provisions of this act.

How prepared
&c.

SEC. 3. *Be it further enacted,* That the Governor may, from time to time, place said bonds in market, and sell such an amount thereof as shall be required to meet outstanding claims against the State, or may discharge such liabilities with such bonds, at his option; but no claims against the State shall be paid except upon vouchers properly authenticated by the Auditor of State.

Discretion as
to sale.

SEC. 4. *Be it further enacted,* That the Auditor of State must number and register and keep a correct account of all the bonds issued and disposed of under this act.

Duty of auditor

SEC. 5. *Be it further enacted,* That it is hereby declared to be the true intent and meaning of this

act that the proceeds arising from the sale of the bonds hereby authorized to be issued and sold, shall be used as soon as the said bonds can be negotiated on favorable terms, to meet and liquidate all matured legal obligations of the State; and no bonds other than those herein authorized and those yet unsold of the issue authorized by act of December 15th, 1871, shall be issued or sold for the liquidation of the present indebtedness of the State, or for any other purpose, unless ordered by subsequent legislation.

True intent
and meaning.

Approved Feb. 25, 1873.

No. 21.]

AN ACT

To provide for the substitution of State bonds to the amount of four thousand dollars per mile in lieu of State endorsement of bonds of the various railroad companies of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama* That any railroad company incorporated under the laws of Alabama, and which is now, or may hereafter become entitled, under existing laws, to an endorsement by the State upon its first mortgage bonds, may relinquish its claims for any further endorsement of its bonds by the State, by duly filing with the Governor, notice of such relinquishment, in writing, by resolution of its board of directors, attested by its president and secretary, and sealed with the corporate seal of the company, which notice shall be duly deposited in the office of the Secretary of State, and recorded by him in a book kept for that purpose; thereupon, the Governor is hereby authorized and required to issue and deliver to such railroad company, in lieu of such further endorsements, bonds of the State of Alabama, prepared in the usual form of State coupon bonds, bearing interest at the rate of seven per cent. per annum, in gold coin, and payable semi-annually in the city of New York, or elsewhere, as the Governor may direct, and having

Substitution
authorized and
the manner.

thirty years to run, to the amount of four thousand dollars per mile, upon the number of miles of its road as it may be completed from time to time, in sections of not less than five miles, (except for the final section, which may be less than five miles, in accordance with the requirements of sections eleven and fourteen of an act entitled "an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," approved February 21st, 1870, to be in full consideration of the release of the State from any further endorsement on the bonds to which such railroad company would otherwise be entitled under the laws of Alabama, for the number of miles, from time to time completed. *Provided*, That (this section shall not be construed so as to permit any railroad company relinquishing future endorsements, to receive any State bonds under this section, unless such company shall also return the bonds previously endorsed for them by the State, in accordance with sections two and four of this act.

Proviso.

SEC. 2. *Be it further enacted*, That in order to enable any railroad company incorporated, as aforesaid, to free the line of its road and other property of the company now subject thereto, from the State's lien, accrued by reason of endorsements, heretofore made upon the bonds of said company, and to create a new first mortgage lien thereon; such company shall return to the Governor the bonds previously endorsed by the State for its road, with all past due coupons or satisfactory evidence that the same have been paid and canceled, and receive, in lieu thereof, State bonds issued as provided in the first section of this act, in the following proportions, to-wit: For every four thousand dollars of State endorsed bonds of such company returned to the Governor, as aforesaid, he shall deliver to such company, in exchange therefor, one thousand dollars of the State bonds aforesaid: *Provided*, That any company which may have heretofore received the State endorsement, or State bonds, or both, aggregating in excess of sixteen thousand dollars per mile, shall not be entitled to the benefits of this section upon such excess, but whenever any exchange of the bonds aforesaid

Mode of subscription.

shall be made, one-fourth of the total amount of endorsed bonds, or State bonds, or both, which such company may have received upon each mile of its line of road, shall be returned for each one thousand dollars of State bonds received in exchange, under the provisions of this act; the true intent and meaning of this section being to limit the issue of State bonds to the maximum of four thousand dollars per mile, in lieu of State bonds and endorsed bonds heretofore issued: *Provided*, That before any railroad company which has heretofore received State endorsement on its bonds, and may have at any time defaulted in the payment of any coupons subsequently paid by the State, shall receive any bonds under this act, the amount so paid by the State shall be either refunded in cash to the State, or it shall be made the duty of the Governor to deduct the amount from the State bonds; to which, under the provisions of this act, said railroad company would become entitled: *Provided*, That the provisions of this bill shall not apply to the Mobile and Montgomery railroad, Montgomery and Eufaula railroad, and Alabama and Chattanooga railroad.

What required of railroads in default.

Railroads excepted.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Governor to immediately cancel the State bonds, and also to cancel the State endorsements returned to him under the provisions of this act; and after causing due record to be made of the same, in the office of the Secretary of State, the bonds so canceled shall be filed with the Treasurer of the State, on which cancellation and filing, such company shall be released from all and every lien accruing to the State from such canceled endorsement.

When roads are released.

SEC. 4. *Be it further enacted*, That whenever any company relinquishing or surrendering the State endorsement, as before provided in this act, shall have returned to the Governor for cancellation, as aforesaid, not less than three-fourths of all the bonds upon which it has received the State endorsement, such company shall deposit with the Governor, as a guarantee for the return of the remaining outstanding endorsed bonds, an equivalent amount of its new first mortgage bonds or of Alabama State bonds.

How released upon return of $\frac{3}{4}$ of endorsed bonds.

Whereupon, in consideration thereof, and as a condition precedent, said company shall be released from the restrictions, obligations, and all and every lien of the State on account of its endorsement; except, however, that in case such company shall fail to pay the interest coupons as they fall due on such outstanding endorsed bonds, the State shall not be deprived by the release aforesaid of the remedies now existing under its laws against any company in default upon its bonds endorsed by the State; *Provided*, That whenever any such outstanding endorsed bonds shall be hereafter returned to the State for cancellation of its endorsement, then in that event, a proportional amount of the new first mortgage bonds, or of Alabama State bonds so held by the State as a guarantee, shall also be surrendered to such railroad company, with the State bonds to which it may be entitled under this act.

Proviso.

SEC. 5. *Be it further enacted*, That any railroad company incorporated as aforesaid, which has received the State endorsement upon any portion of its line, and, by reason of inability to dispose of its bonds at the minimum fixed by law, has been unable to complete the annual average of twenty miles, required under existing laws to entitle it to further endorsement, such company shall be allowed until the first day of November, 1874, in which to complete the next section of twenty miles; upon the express condition, however, that such company shall, within six months after the passage of this act, file with the Governor, in the manner provided under the first section hereof, its relinquishment of State endorsement and acceptance of the provisions of this act; *Provided, also*, That such company shall not be entitled to the provisions of this act, unless it shall make satisfactory proof to the Governor of its ability to carry forward and construct its road with the aid furnished under the provisions of this act.

Time extended for completion of 20 miles.

SEC. 6. *Be it further enacted*, That any railroad company within the limits of this State, incorporated under the laws of Alabama, shall upon the completion of a section of twenty miles of their railroad, on or before the first day of November, 1874, out of their own resources and in the manner re-

Benefits extended to new railroads.

quired by the second and fourteenth sections of an act entitled "an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," approved February 21st, 1870, be entitled to the provisions of this act to the extent and in the manner provided in the first section of this act for the extension of railroads heretofore receiving the indorsement of the State on their bonds. *Provided, however,* that if any such company shall prefer to build its road of a guage under five feet, and not less than three feet, such company shall only be entitled to receive State bonds to the extent of three thousand dollars per mile of its road, constructed in a first class manner, with rails weighing not less than thirty pounds to the yard; *Provided,* That this act shall not apply to the Vicksburg and Brunswick Railroad Company unless said corporation shall build, or authorize by resolution of their board of directors, the citizens of the counties of Barbour, Pike, Butler, Wilcox, Clarke and Choctaw, in connection with the stockholders of the said Vicksburg and Brunswick Railroad, resident in said counties, to construct under their charter, that portion of their line through their respective counties to the points mentioned in said charter, using therefor the assets due to said section, whether in the shape of private, city, or county subscriptions, State appropriations under this act; or first mortgage bonds on said section of railroad. *Provided,* That the Georgia Western Railroad Company shall be entitled to the provisions of this act only and whenever its road is located and constructed by way of the city of Talladega, and the construction of the same in Alabama, shall commence at Talladega; said railroad company conforming in all respects to the conditions of the acts under which State aid is granted to railroad companies.

SEC. 7. *Be it further enacted,* That for the first five years after the issue of any bonds to any company under the provisions of this act such company shall pay into the State Treasury three-fourths of one per

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When amount is limited to \$3,000 per mile.

As to Vicksburg and Brunswick railroad.

When "Georgia Western" is entitled.

Revenue to be paid by railroads.

cent. of its gross receipts, and that after five years from the first issue of State bonds to any company under the provisions of this act, such company shall pay into the State Treasury five per cent. upon the gross earnings upon the line of its road for the previous year, which payment shall be continued annually thereafter, until the bonds issued to such company shall be extinguished by the payments provided in this act. The annual payment aforesaid, shall be assessed and collected under the direction of the State Auditor, in the same manner as other railroad taxes are collected, and shall be an unrepealable and permanent charge upon the gross earnings of such railroad by whomsoever it may be owned, held or operated, until the bonds received by such company shall be extinguished as aforesaid. *Provided, however,* That any company may make such payments in State bonds of the series authorized by this act, at their par value, which bonds, with the coupons belonging thereto, shall be immediately cancelled by the Governor; and whenever the total annual payments so made in money, or bonds, or both, by any company to the State, shall equal the bonds received by such company from the State, the annual payments required under this section shall cease and determine. *Provided, further,* That if the annual assessment herein authorized shall be insufficient to retire the bonds issued to any company, it shall be the duty of the Auditor to increase the annual assessments and collections of such company to an amount sufficient to extinguish said bonds at the maturity thereof; and *provided, also,* that in case any railroad shall fail or refuse to pay the said assessments as the same shall become due and payable, the Governor may appoint a receiver in every such case at the expense of such defaulting company, to take charge of its road and receive the earnings thereof until a sufficient amount of such assessment in default and all the expenses of such receivership, which being done, the receiver shall surrender such road to such defaulting company.

Proviso.

Second proviso

SEC. 8. *Be it further enacted,* That the State bonds to be received by any railroad company, under the

provisions of this act, shall not be bartered or sold for less than ninety per cent. of their par value, or exchanged, sold or bartered, in whole or in part, for iron, machinery, rolling stock or other thing at a greater rate than the cash value of such iron, machinery, rolling stock or other thing to be used in and about the construction of said road.

Limit of barter or sale of the substituted State bonds.

SEC. 9. *Be it further enacted*, That a majority of the board of directors in each company accepting the provisions of this act, shall be citizens of this or any adjoining State, and the principal offices of such companies shall be kept within this or any adjoining State.

As to directors and principal office.

SEC. 10. *Be it further enacted*, That the State hereby expressly reserves the right to enact hereafter by the General Assembly thereof, all such laws as may be necessary to protect the interest of the State in any matter growing out of this act, but in such manner as not to impair the vested rights of the respective companies accepting the provisions of this act.

Right to legislate to reserve.

SEC. 11. *Be it further enacted*, That the Governor, in the issue of new bonds, as provided for in this act, shall be guided and governed by the number and amount of straight and endorsed bonds surrendered; that is to say, that at all times during the operation of this act, as straight, or endorsed bonds shall be surrendered to the Governor and cancelled the maximum amount of new State bonds, to be issued in accordance with its provisions, shall not in the aggregate, at any time, be more than three-fourths of the amount of bonds and endorsements previously surrendered and cancelled; and in no event shall the bonds to be issued under this act exceed eight millions of dollars, in order that the aggregate liability of the State for railroad purposes shall be continuously undergoing a process of reduction under the operations of this act.

How the governor shall be governed.

SEC. 12. *Be it further enacted*, That as a further condition, on which any railroad companies shall receive the benefits of the provisions of this act, said companies shall be and they are hereby required, severally, to give a preference on equally favorable terms in all contracts for cross-ties, rails,

Further condition required of railroads.

chair-spikes, groove fastenings, locomotives, cars of all kinds, and other materials and equipments to the proprietors of such foundries, mills, manufactories and other works as are engaged in the manufacture of minerals, ores or other raw materials found or produced within the limits of the State of Alabama, and on presentation to the Governor of evidence satisfactory to him that the conditions recited in this section have not been complied with by any company building a railroad within the State of Alabama, the Governor is hereby authorized and required to refuse to issue on the part of the State to which any such offending company would otherwise be entitled.

Approved April 21, 1873.

No. 22.]

AN ACT

To authorize the Governor of Alabama to sell and transfer all the property and franchises of the Alabama and Chattanooga Railroad Company, which were bought for said State at the sale under the order of the District Court of the United States for the Middle District of Alabama, on the 22d day of April, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor of the State is hereby authorized to sell and transfer to the purchasers from him, all the property and all the franchises of the Alabama and Chattanooga Railroad Company, which were sold on the 22d day of April, 1872, under the order of the District Court of the United States for the Middle District of Alabama, and bought for the State of Alabama at that sale.

Approved December 21, 1872.

No. 23.]

AN ACT

An act to ratify and confirm certain contracts made by the Governor of the State of Alabama, for the sale of the Alabama and Chattanooga railroad, its appurtenances and franchises, and of the lands and telegraph lines of said railroad company, to the New Orleans and North-Eastern railroad company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a contract of sale between the State of Alabama, represented by David P. Lewis, Governor of Alabama, and the New Orleans and North-Eastern railroad company, represented by George Ingram, its president, made and entered into on the fourteenth day of January, one thousand eight hundred and seventy-three, for the sale by the State of Alabama, of the property known as the Alabama and Chattanooga railroad, which railroad extends from Meridian, in the State of Mississippi, to Chattanooga, in the State of Tennessee, together with all equipments, appurtenances, right of way, depots, grounds, locomotives, cars, machine shops, implements, chartered rights, and franchises, exclusive of the lands granted by an act of Congress in trust to the State of Alabama to aid the construction of the said Alabama and Chattanooga railroad, be, and the same is hereby ratified and confirmed.

SEC. 2. *Be it further enacted*, That another contract of sale entered into between the same parties, and bearing date the same, and, by which it was agreed among other things therein set forth, that the Governor of the State of Alabama should, with as little delay as possible, procure an order of sale of the lands referred to in said contract, and at such sale should purchase said lands, and upon such purchase, that the State of Alabama should immediately sell and convey of all of said lands, approximating to about five hundred thousand or six hundred thousand acres, and also including the telegraph lines and accessories thereto belonging, to the New Orleans and North-Eastern railroad company, for the sum of one million five hundred thousand dol-

Sale with New Orleans and North Eastern R. R. Co., ratified.

Second contract of sale with same company ratified.

lars, with the conditions and stipulations therein contained, be, and the same are hereby ratified and confirmed.

Third contract with same company ratified.

SEC. 3. *Be it further enacted*, That another contract entered into between the same parties, on the same day, by which, among other things, it was stipulated and agreed that in the event, the State of Alabama should procure from Congress, an extension of the limits of the grant of lands to the Alabama and Chattanooga railroad company, or in any other way, establish the rights to the same, so that eight hundred and ninety-seven thousand nine hundred and twenty acres, can be procured, that the New Orleans and North-Eastern railroad company, should assume the payment of the balance of the bonds lent to the Alabama and Chattanooga railroad company, by virtue of an act, number one hundred and one, approved February eleventh, one thousand eight hundred and seventy, being bonds numbered from one thousand five hundred and one, to two thousand, inclusive, with the several stipulations and conditions therein contained, be, and the same are hereby ratified and confirmed.

Fourth contract with same company ratified.

SEC. 4. *Be it further enacted*, That another contract entered into between the same parties, of the same date, by which it was stipulated and agreed, among other things therein set forth, that the liens, rights and remedies of the State of Alabama against the Alabama and Chattanooga railroad company, for its indemnity and security against the endorsement of the bonds of the Alabama and Chattanooga railroad company as provided and established by law, and the lien and security which the State of Alabama possesses against the lands of the Alabama and Chattanooga railroad company, as established by law, for the security of two millions of bonds issued to said Alabama and Chattanooga railroad company, shall all exist in full force against the said New Orleans and North-Eastern railroad company, or any person holding under said company, and they are hereby charged with notice of the said lien, and all the remedies given by special contract for the enforcement of the same, except that said lands are only bound for bonds numbered from one to

fifteen hundred inclusive, until the quantity of lands is augmented, as provided in the contract respecting the same, be, and the same is hereby ratified and confirmed. *Provided*, That the said New Orleans and North-Eastern railroad company shall enter into further stipulations and agreements, giving more explicit form and recognition to the lien of the State of Alabama upon the property sold, as a security, as a fulfillment of the contract on its part, and for the speedy enforcement of such lien by the State of Alabama, and shall also give undoubted personal security, to be approved of by the Governor of Alabama, for the payment of the interest due in July, one thousand eight hundred and seventy three, on the bonds assumed to be paid by it in said contract.

Proviso.

Provided further, That no *bona fide* purchaser or purchasers of said lands, or any part thereof, shall be interfered with or his title affected by the said contract of sale. It is further agreed, that upon the failure of the State to make title to the land sold and guaranteed to said New Orleans and North-Eastern railroad company, the damages to be recovered for such failure shall be limited to the amount to be paid by said company for said land; and upon failure to make title to any part thereof, the damages shall be the value per acre sold by the contract. The true intent and meaning of this act being that the State of Alabama conveys to said purchaser the property, rights, privileges and franchises in the said four contracts described, as modified by this act, and in consideration thereof, the said purchaser promises and covenants with the State, that said purchaser and assignees, will punctually pay to the State at the time therein named the said sum of two hundred and thirty-five thousand dollars in cash, and will punctually pay and retire all the coupons for interest upon the bonds named in said contract, which mature on the first of July next hereafter, and for which payment said purchaser shall, within such reasonable time after the passage of this act as the governor may prescribe, give personal security, satisfactory to the governor, and thereafter as the same mature, shall pay and extinguish all other interest coupons upon

No interference with bona fide purchasers of land.

Limitation in case of failure.

the four thousand seven hundred and twenty bonds endorsed by the State, and the one thousand five hundred or other number of straight bonds mentioned in said contracts, to be paid by the purchaser, and upon such payment or extinguishment of said coupons, shall file them with the Auditor of the State, and will pay all the certificates for the raising of money and interest thereon that may or shall have been issued by the receiver of said railroad property, under the order and decree of the circuit court of the United States for the fifth judicial circuit, in the case referred to in said contract, or one of them herein mentioned, in pursuance of said order and decree, and which shall be approved by said court, which may or shall have been issued by said receivers prior to said purchaser obtaining possession of the said railroad property under said contracts with the State, are hereby ratified, and will, fully and in all respects indemnify the State of Alabama and save it harmless against all claims of every kind by the State of Georgia, upon any part of said railroad, and if any such claim be established by the said State, will pay off or otherwise satisfy and extinguish the same, and will at the maturity thereof, or before, punctually pay off and extinguish all the bonds, whether straight or endorsed by the State, which are mentioned in said contract, and assumed to be paid by said purchaser; and to save the State harmless from all of said liabilities and save it harmless against payment or loss therefrom; and the stipulations, promises and covenants required of the purchaser under this act, shall be in the nature of the covenants running with the land, and attendant on the franchises conveyed by this State, and shall bind each and every person, party or corporation claiming title or rights under said purchaser.

SEC. 5. *Be it further enacted*, That the Governor of Alabama be, and is hereby intrusted with full powers and authority to carry into effect and to consummate said contract for and in the name of the State of Alabama. *Provided*, That the purchaser in addition to the two hundred and thirty-five thousand dollars cash, required to pay up balance

Full power to
carry into ef-
fect.

Proviso.

due the bankrupt court, shall furnish to the State on the pledge of State bonds, as collateral at ninety cents on the dollar, the amount of money required to pay all past due interest on the four thousand seven hundred and twenty endorsed bonds, and one thousand five hundred straight bonds, whose payment is assumed under the provisions of the pending contract, that the Governor be, and he is hereby instructed to alter and modify said contract for the sale of the Alabama and Chattanooga railroad, and its franchises and properties, that the same contained covenant and stipulation on the part of the said North-Eastern railroad company, whereby said company shall agree and bind itself, and its successors, and all subsequent assignees or claimants from or under said company, that it will establish and keep an office on the line of said road, within the State of Alabama, for the transaction of business, and that in case of the failure of the purchaser, or his agents, promptly to perform each and every stipulation made by such purchaser for the acquisition of the interest, rights and property so intended to be conveyed by the State, said contract, and all rights thereunder acquired, and all payments heretofore made, shall, at the discretion of the Governor, be forfeited to the State, and upon such failure, as herein stated, the Governor of this State may forthwith by the sheriffs of the several counties in this State, in which the said property lies, and is situated or may be found, or by an agent or agents by him thereto authorized and empowered according to his good judgment, take possession of all of said property, and use, manage and employ the same by a competent receiver, by him to be appointed for the purpose, and may proceed by proper steps to obtain possession of the property without the State, for the purpose aforesaid.

SEC. 6. *Be it further enacted*, That in case this purchaser fails to perform his contract, and the right and property thereby agreed to be conveyed revert to the State, the Governor is hereby authorized and empowered to sell and convey said rights and property to any other responsible party, upon the terms,

Governor's authority to sell to other responsible party.

conditions and securities equal to those hereby and herein mentioned and described.

Approved April 14, 1873.

No. 24.]

AN ACT.

To authorize the Governor to settle with the Montgomery and Eufaula railroad company.

Authority to settle, and mode.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor be and he is hereby authorized to make a settlement on behalf of the State with the Montgomery and Eufaula railroad company, whereby the State will be released from or protected against liability for its endorsement of the first mortgage bonds of said railroad company, amounting in the aggregate to one million two hundred and eighty thousand dollars, and in consideration of the release of the State from said liability, the Governor may surrender to said company its second mortgage bonds, amounting to three hundred thousand dollars, held by the State, and the past due coupons thereon, and to assume on behalf of the State the payment of the bond or bonds of said company for thirty thousand dollars given for a portion of the three per cent. fund loaned to said company, with interest thereon, it being the true intent and meaning of this act, to authorize the Governor to release said company from all liability to the State, except for taxes, in consideration of the release of the State from all liability, past or future, on its endorsement of the bonds of said company.

May settle upon return of three-fourths of endorsed bonds.

SEC. 2. *Be it further enacted,* That in the event said company fails to obtain control of all of said first mortgage bonds, the Governor is authorized on the cancellation of the State endorsement on not less than three-fourths of said first mortgage bonds, to accept from said company in the settlement authorized by section 1 of this act, such indemnity as he may consider ample to protect the State from liability on the bonds or coupons not cancelled or surren-

dered ; *Provided*, That the outstanding bonds not surrendered or cancelled for which the Governor is authorized under this section of this act, to take an indemnity for the State, shall remain a lien upon said road until the same are surrendered or cancelled.

Approved, April 15, 1873.

No. 25.]

AN ACT

To authorize railroad companies chartered by this State to lease their roads.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any railroad company, organized under any special or general law of the State of Alabama, is hereby authorized and empowered to lease its franchise and road or roads to any person or persons, association or corporation, for such time and upon such terms as its boards of directors may determine.

Lease authorized.

SEC. 2 *Be it further enacted*, That the lessee or lessees of any railroad company which may so lease its franchise and road or roads or any part thereof, shall enjoy all the rights and franchises guaranteed to its or their lessor by its charter, in reference to the operating the road or part or parts of road so leased to said lessee or lessees, and may use such name or title in operating the road, or part or parts of road so acquired by lease, as said lessee or lessees may choose, and shall be subject to the same limitations, liabilities and duties to the State of Alabama, and to any and all persons as the said lessor or railroad company is subject to by its charter, or would have been subject to had not lease been made of the road or roads, or part or parts thereof, so leased by said lessee or lessees.

What the lessees acquire.

SEC. 3. *Be it further enacted*, That each and every lease made by any and all railroad companies in this State, of the road or roads, or part or parts thereof, and their franchise and franchises to any lessee or lessees, shall be held and taken subject to the terms and conditions hereafter declared, and said terms

Lessees subject to certain terms and conditions.

and conditions are hereby declared to be a part of such lease and leases, as fully and effectually as if the same were specifically set forth and written in said lease or leases.

1. The said lessee or lessees shall, in writing over their hand or hands and seals, or if a corporation, certified by its corporate seal and attested by its president, declare the name and title under which said leased road is to be operated, and consent to be sued by the name and title so declared, and all suits brought against such lessee or lessees, by the name so declared shall be valid and binding on said lessee or lessees, and may be prosecuted to judgment and execution without objection of misnomer.

2. That said declaration in writing and the lease shall be recorded in the office of the Secretary of State within two months of the execution of the lease, and certified copies of said record shall be received in evidence in the courts of this State, the same as if the originals thereof were produced.

3. The said lessee or lessees shall also file in the office of the Secretary of State the names and residences of their officers in this State, and shall always keep their chief office for the management of the business of said leased road or roads within the limits of this State, and service of process upon any of the officers so named shall be good and effectual to bring such lessee or lessees into court to respond to any suit which may be commenced against said lessee or lessees in law or equity.

4. Every lease taken and accepted by any person or persons, associations or corporations, of any railroad or part of any railroad in this State, from any railroad company in this State, which has received the endorsement of any of its bonds by this State, or has received any loan or aid from this State, whether in bonds or in money, or has come under any obligation to this State, either for the payment of money or other thing, or to protect or indemnify the State against any liability it has assumed, or any payment it has made, or is liable to be called on to make, whether under the general State aid law or laws, or under any special law in relation to said lessor railroad company, shall be

construed and taken to be a covenant by said lessee or lessees, to the State of Alabama, by the said lessee or lessees so accepting such lease, that said lessee or lessees shall well and truly do, keep and perform, each and every of the promises, engagements, stipulations, and duties, provided or declared by said act or acts, or contracts or agreements to be done, kept and performed by said lessor or railroad company, and for the security and protection of the State in its rights in the foregoing respects, and against loss and injury, all the remedies provided for the State shall forever remain intact.

5. Said lessee or lessees shall take the property and franchises so leased subject to all liens and incumbrances so existing, which may be enforced by the party entitled to the same, against the property and rights so bound, and against the lessee or lessees, in all respects in precisely the same manner, and with the same effect as if no such lease had ever been made.

6. Said lessee or lessees, their managers, officers, and servants, shall not make any discrimination in their rates and charges for the transportation of freight and passengers from any, the same point or place on the line of road so leased to them, against its being carried thereon in one direction or the other, but this shall not prevent said lessee or lessees from making distinction in the rates for freight and passage between goods, wares and merchandise, and passengers to be transported in the same direction over the whole line of said leased road, and to be transported over less than the whole line.

SEC. 4. *Be it further enacted*, That no lease as herein authorized, shall be made by any railroad company until it shall have been submitted to the stockholders of the company, and approved by a majority of the same, at a special meeting to be called for the purpose, on a notice of fifteen (15) days, to be given by the president of the company by publication in the town or city in which its principal office is kept; *Provided*, That no lease herein provided for shall be valid and binding without the consent of the Governor thereto, and certified under the seal of State.

Lease to be approved by stockholders.

Governor must also consent.

Approved April 16, 1873.

No. 26.]

AN ACT

Regulating the charges for transportation of freight upon railroads within this State.

Discrimination prohibited.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for any railroad company, nor any officer, manager, or agent of any railroad in this State, nor any lessee, or lessees thereof, or association or corporation, managing or operating any railroad in this State, to make any discrimination in the rates and charges for the transportation of freight, or passengers from any, the same point or place on the line of said railroad, against its being carried thereon in one direction or the other, on such road; and any party violating the provisions hereof, shall be liable to the party injured thereby, in double the amount of over charge, but in no case shall the penalty be less than twenty dollars.

May charge five cents per mile.

Proviso.

Second proviso

Rate 50 per cent. more for local freight.

SEC. 2. *Be it further enacted*, That all railroad companies in the State are hereby authorized to charge and receive for the transportation of passengers over their roads, or any part thereof, at the rate of five cents per mile, and no more; *Provided*, Such railroad company may charge an additional half cent per mile from such passenger who pays his fare to the conductor in the car, and who enters the car at a place where tickets are kept by the company for sale; *Provided*, Each ticket office shall be opened and kept open for one hour immediately preceding the departure of each passenger train; and may for the transportation of local freight demand and receive not exceeding fifty per cent. more than the rate charged for the transportation of the same description of freight over the whole line of its road; and any railroad company, manager, agent, or officer, violating the provisions hereof, shall be liable to the party injured thereby, in double the amount of the over charge; but in no case shall the penalty be less than twenty dollars.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved April 19, 1873.

No. 27.]

AN ACT

To alter and amend section 1 of "an act to prescribe the mode of taking private property for railroads or other purposes, or for public use," approved March 1st, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of an act to prescribe the mode of taking private property for railroads or other purposes, or for public use, approved March 1, 1871, which reads as follows: Section 1. *Be it enacted by the General Assembly of Alabama,* Recitation.

That whenever any corporation or person of this State, shall be entitled to take any parcel of land belonging to another person or persons for its or his use, or to have a way, or any other easement, privilege or right through, over or upon it, or to take therefrom earth or water appurtenant to such land, and shall not agree with the owner, or person authorized to sell, for the purchase thereof, application therefor may be made by petition to the probate court of the county in which such land is situated, particularly describing the parcel or parcels of land, for which purpose the agents and employees of the petitioner may previously, peaceably enter upon, survey and lay off the land; and setting forth all the use, easement, privilege or other right claimed therein," be so amended as to read as follows: Section 1. *Be it enacted by the General Assembly of Alabama,* Amended section. That whenever any corporation or person of this State, or any telegraph company incorporated by another State, and proposing, under the laws of this State, to extend its lines into or through the same, shall be entitled to acquire or take any land or interest therein, or to have a way, privilege, easement or right of use over or upon it, such land, or a franchise or easement, therein belonging to another person or corporation, or to take therefrom earth or water appurtenant to such land, and shall not agree with the owner, or person or corporation authorized to sell or control the same, for the purchase thereof, application therefor may be made by petition to the probate court, particularly describing

the parcel or parcels of land, or franchise, or easement, over which the way, privilege, easement, or right of use is claimed, which petition must be filed in the probate court of the county in which the lands are situated, or of some county into or through which the right of franchise or easement in such lands extend, if the claim be over or upon a franchise or easement; and the petition must set forth all the use, easement, privilege or other right claimed therein; and the agents and employes of the petitioner may previously enter peaceably upon, and survey and lay off the land claimed.

Section 1 repealed.

SEC. 2. *Be it further enacted*, That section one (1) of "an act to prescribe the mode of taking private property for railroads, or other purposes or for public use," as originally enacted, be, and the same is repealed.

Approved April 4, 1873.

No. 28.]

AN ACT

To regulate property exempted from sale for the payment of debts.

Preamble.

WHEREAS, The constitution of this State, in the fourteenth article thereof, has directed that certain property of the residents of this State shall be exempted from the payment of debts therein named; and, Whereas, It is proper that such direction should be carried into effect, and the rights of residents therein declared, should be secured by appropriate legislation; therefore,

Personal property exempted.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the personal property of any resident of this State, to the value of one thousand dollars, to be selected by such resident, shall be exempted from levy and sale under execution or other process for the collection of debt.

Homestead.

SEC. 2. *Be it further enacted* That the homestead of every resident of this State, not exceeding one hundred and sixty acres of land, and the appurtenances thereon, to be selected by the owner thereof,

and not in any town, city or village, or in lien thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State: said lot, with the dwelling and appurtenances, not exceeding the value of two thousand dollars, shall be exempted from levy and sale under execution or other process for the collection of debt.

SEC. 3. *Be it further enacted*, That the homestead of a family, not exceeding in value two thousand dollars, if in any city, town or village, and not exceeding one hundred and sixty acres in quantity, when the same is not in any city, town or village, after the death of the owner thereof, and personal property to the value of one thousand dollars, of any resident of this State, after his death, shall be exempt from the payment of debts; *Provided*, Such decedent leaves surviving him, a widow or child.

Homestead exempted after death.

SEC. 4. *Be it further enacted*, That this act shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming an exemption, nor a mechanic's lien for work done on the premises; the exemption authorized by this act shall not extend to any deed or mortgage lawfully obtained; but no mortgage or other alienation of any homestead exempted by this act, by the owner thereof, if a married man, shall be valid without the voluntary signature and assent of his wife, which voluntary signature and assent must be shown by the examination of the wife separate and apart from the husband, touching the same, had before a circuit or supreme court judge, chancellor, or judge of probate, and must be certified to in writing, endorsed upon such mortgage by such judge or chancellor, in the following form: State of Alabama, county of I, judge (or chancellor, as the case may be,) do hereby certify that on the day of, 18...., came before me the within named, known or made known to me, to be the wife of the within named, who being by me examined separate and apart from her husband, touching her sig-

Laborer's lien.

Mortgage not affected.

nature to the within, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or persuasion of her husband. In witness whereof, I hereunto set my hand, this . . . day of, 18. A. B., Judge or Chancellor.

Wages not sub-
ject to garnish-
ment.

SEC. 5. *Be it further enacted*, That the wages, salaries or compensation of laborers, and all employes for personal service, shall not be subject to garnishment for debt.

Additional ex-
emptions.

SEC. 6. *Be it further enacted*, That in addition to other exempted property, the lots in cemeteries or elsewhere set apart and enclosed and held and intended by the owners thereof as a burial ground for himself or family, and any pew, seat or slip in any church or place of worship, held and occupied by the owner, being a resident of this State, for the use of himself or family; all beds and bedding, hay, one dozen chairs, one table, one dozen knives and forks, one dozen plates and one dozen cups and saucers, with all necessary and proper wearing apparel, not to exceed fifty dollars' worth for each member of the family, and all books not kept for sale, all family portraits, all implements of trade, not kept for sale, shall be exempt from levy and sale under execution or other process for the payment of debt.

No levy until
rent is paid.

SEC. 7. *Be it further enacted*, That no execution must be levied on goods or chattles in possession of and upon the premises of a tenant held by lease for one or more years, until the rent due or to fall due during the current year is paid or tendered to the landlord, or his agent or attorney; and the sheriff executing the writ must levy and sell, as well for the payment of the rent so paid as for the satisfaction of the execution.

When sheriff
liable for dam-
ages.

SEC. 8. *Be it further enacted*, That no sheriff or other officer levying on personal property claimed to be exempt from execution, shall be liable for damages therefor, unless the defendant or some other person for him, notifies such sheriff or other officer in writing, verified by his affidavit, that such property is claimed as exempt, and is exempt, and if a reasonable doubt exists as to whether such

property is exempt, such sheriff or other officer may require of the plaintiff, his agent or attorney, a bond of indemnity before or after levy, as in other cases.

SEC. 9. *Be it further enacted,* That when any execution or other process for the collection of debt, is levied on personal property claimed by the defendant as exempt, the defendant is entitled to try the question whether said property is exempt, before a sale thereof, by making affidavit that he owns no personal property subject to execution.

Defendant can try question.

SEC. 10. *Be it further enacted,* That every person who knowingly levies or causes a levy to be made upon personal property exempt from levy and sale, shall be liable to the party injured for the actual damages sustained, and twenty-five per centum thereon, until the same are paid.

Liability for improper levy.

SEC. 11. *Be it further enacted,* That whenever the homestead of the defendant is a lot in any city, town or village, of the value of more than two thousand dollars, the same may be sold, under execution or other process; but the purchaser shall have no right to enter or take possession thereof until he pays or tenders to the defendant two thousand dollars in lawful money of the United States, or pays the same into the court whence the execution issued, to and for the use of the defendant, or otherwise satisfies the defendant for said amount, and if such payment, tender, or satisfaction is not made within twelve months from the day of sale, the right of the purchaser shall be forever barred, the surplus proceeds of the sale of each homestead over the sum of two thousand dollars, shall be applied in satisfaction of said execution or other process, after deducting costs and commissions on the excess over two thousand dollars.

Procedure when homestead exceeds \$2,000.

SEC. 12. *Be it further enacted,* That any person dying, leaving a widow, or child or children under the age of twenty-one years, members of his family; in addition to the exemptions heretofore made under this act, there shall be exempt all the wearing apparel of the deceased, the wearing apparel of the widow and children, all yarn and cloth on hand intended for their use and consumption, the family bible, all books in use in the family, all family por-

Additional exemption to family of a decedent.

traits and miniatures, and such grain, stores and groceries on hand as may be necessary for the subsistence of the family for twelve months, all of which shall be set apart by three disinterested persons to be selected, two of them by the widow, if there be a widow, and one by the judge of probate, and if there be no widow, then by three such persons to be appointed by the judge of probate, and turned over to the family forever free from administration or the debts of the deceased, and any live stock necessary for the subsistence of the family may be killed for their use at any time before the final settlement of the deceased.

Duty of administrator or executor.

SEC. 13. *Be it further enacted*, That whenever an executor or administrator makes out an inventory of the estate of any decedent, who left surviving him a widow or minor child, it shall be his duty to permit said widow or the guardian of such child or children if there be no widow, or she does not act, to select the property exempt from administration for the payment of debts, and if neither the widow or guardian make such selection, then three disinterested persons to be selected by the judge of probate, must make such selection, and set apart the same, and the same must be appraised by the appraiser and the appraisement thereof returned to the probate court with the appraisement of the residue of the estate, such property vests in such widow and child or children, share and share alike, and may be used by the widow for the support of herself and children, ; but if the estate is solvent shall be accounted for on final settlement as a part of the distributive share of the widow and child or children receiving the benefits thereof, or as a part of their legacy under the will, if there is a will which disposes of the entire estate.

Exemption for a child leaving the family.

SEC. 14. *Be it further enacted*, That any child leaving the family of the deceased is entitled to an equal share of personal property reserved by exemption under this act, and which may be on hand at the time such child ceases to be a member of the family.

SEC. 15. *Be it further enacted*, That the homestead exempted for the benefit of the widow and

minor child or children under this act, may be retained by such widow or by such child or children, until it is ascertained whether the estate is solvent or insolvent, and if the estate is insolvent shall vest in them absolutely; if the estate is solvent the homestead shall be held, considered and treated as a part of the real estate of the decedent without reference to this act.

Homestead may be retained until estate is determined solvent or insolvent.

SEC. 16. *Be it further enacted,* That if the homestead of the decedent is in the county, the same, but not to exceed one hundred and sixty acres of land, with the buildings and appurtenances thereon, may be selected by the widow, and if there be no widow, or she fails to act, then to be selected by the guardian of such minor child or children, and if there be no guardian, or he fails to act, then three disinterested persons to be selected by the judge of probate must select the same before selling the land to pay debts: and if such homestead be in any city, town or village, and be of more value than two thousand dollars, and the same is sold to pay debts, then two thousand dollars of the proceeds of the sale, when the same are realized, must be forthwith paid over by the executor or administrator making the sale, to the judge of probate having jurisdiction of the estate, for the benefit of such widow and child or children, share and share alike; or the same may be distributed by such executor or administrator, and their respective shares may be paid by him directly to such widow and the guardian of such child or children, or to any child in person, who may have arrived at age, or married after the death of the decedent.

Homestead, if in the county how selected.

SEC. 17. *Be it further enacted,* That sections 2061, 2063, 2878, 2879, 2880, 2882, 2883 and 2884 of the Revised Code of Alabama, and all other statutory laws and parts of statutory laws, heretofore in force in this State, exempting property from the payment of debts or administration or relating thereto, be, and the same are hereby repealed.

Certain parts of Revised Code repealed.

Approved, April 23, 1873.

No. 29.]

AN ACT

To provide for the prompt payment of the sums now authorized by law, for the support of the indigent and criminal insane in the Alabama insane hospital, and for the maintenance of the deaf, dumb and blind asylum.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor of Alabama, be, and he is hereby authorized and requested to raise, by such means as he may deem best, money sufficient to pay the warrants already drawn by the Auditor pursuant to law on the State Treasurer, for the support of the indigent and criminal insane in the Alabama Insane Hospital, and also from time to time, hereafter to provide such sums as may be necessary to pay promptly, warrants hereafter to be drawn by the Auditor upon the Treasurer pursuant to law for that purpose, whenever, for the space of thirty days after the date of such warrants, there be not money in the Treasury sufficient to pay the same.

SEC. 2. *Be it further enacted,* That to carry into effect the purposes of this act, the Governor is authorized to issue bonds of the State, if he deem it expedient to do so, in the usual form, bearing eight per centum per annum, and payable at such time as he may think best, and to sell and hypothecate the same so as to raise the money necessary for the purposes contemplated by this act: *Provided,* That this act shall be considered comutative and shall not in any manner interfere with the duty of the Treasurer to provide for the payment of the warrants herein referred to, as soon as practicable out of the moneys heretofore appropriated; *Provided further,* That an additional sum of eighteen thousand dollars, being the amount already provided by law for the support of the Alabama institution for the deaf, dumb, and blind, be raised in the same manner and under the same restrictions as are specified in this act.

Approved March 17, 1873.

Authority of
governor to
raise money.

May issue
bonds.

Proviso.

Amount for
deaf, dumb and
blind.

No. 30.]

AN ACT

To provide for the support of the freedmens' hospital, located near the city of Talladega, Alabama.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That Green T. McAfee, William H. Thornton, and William H. Cain, are hereby constituted a board of trustees, and Green T. McAfee, the steward for the institution known as the freedmen's hospital, located near the city of Talladega, Alabama. Board of trustees.

SEC. 2. *Be it further enacted,* That the sum of three thousand dollars be and the same is hereby appropriated out of any moneys not otherwise appropriated, for feeding, clothing, medicines, medical attentions, one ration to the steward, quarters, fuel, and other necessary articles required for the support and maintenance of the patients in said hospital. Amount appropriated.

SEC. 3. *Be it further enacted,* That it shall be the duty of the board of trustees herein provided for, to employ a competent superintendent at the lowest bidder, to be paid out of said appropriation, also the sum not exceeding two hundred dollars for medicine and medical attentions to said inmates. Superintendent to be employed.

SEC. 4. *Be it further enacted,* That the trustees aforesaid shall make full and complete statements of all accounts and contracts made by them, or by their orders, purchase all necessary supplies, and furnish a detailed statement of all moneys received and disbursed by them to the Governor of the State, together with all books and papers in any wise connected with the discharge of their duties, which shall be filed in the office of the Secretary of the State. Full statements required

SEC. 5. *Be it further enacted,* That no money shall be drawn from the treasury until it is actually needed, and it shall be drawn in strict conformity to the rules and regulations of drawing money from the State treasury. Manner of drawing money

SEC. 6. *Be it further enacted,* That no other patients shall be received in said hospital. No additional patients.

SEC. 7. *Be it further enacted,* That "an act to provide for the support of the freedmen's hospital, situated near the city of Talladega, Alabama," ap- Act of 1871, repealed.

proved December 19, 1871, be and the same is hereby repealed.

Expiration of
present act.

SEC. 8. *Be it further enacted*, That the provisions of this act shall continue and be in force until December, 1873, and no longer.

Approved March 5, 1873.

No. 31.]

AN ACT

Supplemental to an act approved March 5, 1873, entitled an act to provide for the support of the freedmens' hospital, located near the city of Talladega.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That the provisions of the act aforesaid, approved March 5, 1873, shall apply to the payment of the expenses of said freedmens' hospital according to the accounts rendered for the months of January and February, and of March 1873, down to the date of the passage of said act, and its approval on the 5th of March instant, and those accounts shall be paid out of the money appropriated by said act.

Approved April 19, 1873.

No. 32.]

AN ACT

For the encouragement of mining, manufacturing, industrial, mechanical, and commercial pursuits within the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That for the purpose of encouraging, stimulating and furthering the mineral, agricultural and commercial resources of the State of Alabama, all buildings, factories, works and machinery in process of erection, before erected and used, from and after the first day of January, A. D. 1873, until the time mentioned in section 7, of

this act, for the expiration thereof, for the purpose and business of mining, manufacturing, smelting, moulding, converting and refining coal, cotton, wool, iron, lead, steel, copper, or any other ore or metal, to the value of one hundred thousand dollars, and also all capital invested in steamers and ships or vessels that may be regularly employed in commerce and navigation between any port in any country or State, other than a State next but one adjoining the territory of this State, and all ships and vessels which may be built in this State of capacity exceeding one hundred tons, custom house measurement, shall be and the same are hereby declared exempt from all taxation, whether State, county or municipal, for the period of ten years from the time the same shall be erected and put in operation, which said period shall be completed from the date of the certificate hereinafter mentioned in this act; *Provided*, That the houses built and owned by the person, persons or incorporated company owning such buildings, factories and works as aforesaid, for the occupation and dwelling of operatives, mechanics and agents employed in and about such buildings, factories, and works, aforesaid, may be included in the valuation allowed to be exempt by this section.

One hundred thousand dollars exempted for ten years.

Proviso.

SEC. 2. *Be it further enacted*, That to obtain the benefit of the preceding section, any person, persons or incorporated company shall file in the office of the Secretary of State, of the State of Alabama, a sworn statement, setting forth the owner or owners of such buildings, factories and works as aforesaid, the date of the completion thereof, the name under which the operatives of the same are to be conducted, the nature of the business intended to be carried on therein, the name of the county in which the same are located, the railroad or stream of water, if any, on which the same are situated, the number of looms, spindles, furnaces, moulds, forms, engines and operatives employed in the business so intended to be conducted, together with the estimable annual capacity of such buildings, factories and works, the actual cost of the construction and of the machinery used therein or attached thereto, and the capital stock invested in the conduct of said business, and

Steps necessary to secure exemption.

the ports which are to be the termini of any line of steamers or ships mentioned in the second section of this act; upon the filing of which, duly verified by the oath of the person, secretary or president of any incorporated company, taken before any officer authorized to administer oaths in this State, claiming the exemption granted by this act, that said statement is true, the person or persons or incorporated company filing the same shall, upon the payment of three dollars to the Secretary of State, receive a certificate from said Secretary of State with his official seal attached thereto, stating that the person, persons or incorporated company having filed the above statement on the day of, A. D. 18.., which said certificate must be recorded in the office of the probate judge of the county in which the buildings, factories or works may be situated; *Provided, however,* That a change of name of any incorporated company embraced in the provisions of this act, or upon sale to any other person, persons, or body corporate, whereby the ownership of the buildings, factories, or works aforesaid is transferred, the name of such purchaser, or the name so substituted must be filed in the office of Secretary of State, in the same manner as the statement mentioned in this section, is required to be filed, and the certificate shall be re-issued to such person, or persons, and recorded as in this section provided, which new certificate shall be effectual for the residue of the period of exemption unexpired at the date of such certificate; *And provided also,* That if any person, persons, or incorporated company shall have obtained the certificate aforesaid, and shall suspend or discontinue operations for the space of one year in said buildings, factories and works so certified to be exempt, the assessor of the several counties in which the same may be located, shall assess in the same manner as other property is now or may hereafter be required by law to be assessed, and taxes of every description and for every purpose for which other property is or may be taxed, shall be paid upon such property hereby exempted during the period of suspension as may be imposed by law upon property during the same period.

SEC. 3. *Be it further enacted.* That at the time required by law for rendering assessment list, the owner or owners, secretary or president of any incorporated company, claiming the exemptions herein specified, shall present to the assessors of the several counties in which the buildings, factories or works aforesaid may be situated, the certificate required by this act to be obtained, and if such certificate is not presented to the assessor as aforesaid, at the time above specified, the court of county commissioners, upon good and sufficient ground, shown by the owner or owners, secretary or president of any incorporated company, for the failure to present such certificate, may remove said assessment.

Assessment:
how made.

SEC. 4. *Be it further enacted,* That the person, persons, or secretary or president of any incorporated company, claiming the exemption allowed by this act, must at the time specified in the preceding section for rendering assessments, file with the assessors aforesaid an affidavit, verified before the assessor receiving the same, setting forth according to the best of affiant's knowledge and belief, the next preceding annual production of such building, factory or works mentioned in this act, with the number of operatives engaged therein during said year, which affidavits must be forwarded by said assessor to the Secretary of State by the first day of January of each year, who shall cause to be made and delivered to the commissioner of industrial resources, as soon thereafter in each year as is practicable, a tabular statement, showing the location of such buildings, factories and works, classified according to the nature of the business conducted therein, the name thereof, the number of looms, spindles, furnaces, moulds, forms, engines, and operatives employed therein, the capital stock originally invested therein, and the increase of the same, if any, and the last reported annual product thereof, which said tabular statement the commissioner of industrial resources, from any funds in his hands or under his control, shall cause to be published annually, and shall use the same as in his judgment may best subserve the interest of his department.

Affidavit before
assessor.

SEC. 5. *Be it further enacted,* That for the failure of the assessor to take and return the affidavit mentioned in the preceding section, and for the failure of the Secretary of State to deliver to the commissioner of industrial resources the statement therein, the officer so failing shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars.

Penalty on assessor for failure.

SEC. 6. *Be it further enacted,* That for the issuance of the certificate mentioned in section 2 of this act, the Secretary of State shall receive the fee of \$3 mentioned in said section; and that for recording said certificate the judge of probate, mentioned in said section 2 of this act, shall receive a fee of fifty cents; and for receiving the affidavits mentioned in sections 3 and 4 of this act, the assessors mentioned therein shall receive a fee of 25 cents for each affidavit, all of said fees to be paid by the party applying for or filing the same.

Fees to officer.

SEC. 7. *Be it further enacted,* That this act shall continue in force for the period of ten years from the adoption hereof, unless the Legislature shall longer confine the operation of the same; *Provided always,* That the certificate of the Secretary of State to any person, persons, or incorporated company, entitled thereto, shall remain and be effectual for the space of ten years from the issuance thereof; *And provided also,* That the period of any suspension of the business conducted in the buildings, factories and works named in this act, shall not be deducted from the limitation of said certificate.

Effectual for ten years.

Approved April 23, 1873.

No. 33.]

AN ACT

To authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the warden of the penitentiary, with the approval of the inspectors, be, and he is authorized and empowered, with the consent and

Warden authorized to purchase land, and limit.

approval of the Governor, to purchase for, and in the name of the State of Alabama, a suitable tract or parcel of land, containing not more than two thousand acres; said tract to be first class farming land, in a healthful locality, at a price not to exceed fifty thousand dollars—the purchase money to be paid out of the proceeds from the sale of the products of the farm, within ten years from the date of purchase, and the vendor shall have a lien upon the premises for the purchase money as is hereinafter provided.

SEC. 2. *Be it further enacted*, That the warden of the penitentiary, with the approval of the inspectors, and with the consent and approval of the Governor, be also authorized and empowered to purchase for and in the name of the State of Alabama, a sufficient number of mules with which to cultivate said farm, not to exceed thirty in number, and to cost the State not more than one hundred and fifty dollars each, to be paid for within ten years out of the proceeds arising from the sale of the products of the farm as hereafter provided.

Authorized to purchase mules.

SEC. 3. *Be it further enacted*, That the Governor of the State of Alabama, be, and he is hereby authorized, and empowered and required to issue bonds of the State of Alabama to an amount sufficient to pay for the lands and mules, at the prices to be fixed upon by the warden, with the concurrence of the inspectors and with the consent and approval of the Governor, bearing interest at eight per cent. per annum, to be paid annually at such place as the Governor may direct, on the first day of January of each year..

Governor authorized to issue bonds.

SEC. 4. *Be it further enacted*, That said bonds shall be payable ten years from their date, and may be issued in sums not less than one hundred dollars, nor more than five thousand dollars, as the Governor may think proper. They shall be signed by the Governor, Auditor and State Treasurer, and shall have the great seal of the State affixed thereto. The bonds shall be payable at the State Treasury, or such other place as the Governor may direct. The said bonds may be transferred by delivery, and the faith and credit of the State is hereby pledged, that

Description of bonds, etc.

the net profits arising from the cultivation of said plantation or farm, shall be used for the payment of the principal and interest of the said bonds, as the same shall accrue out of the proceeds arising from the labor of the convicts upon said farm or farms, as shall have been purchased with said bonds.

Bonds a lien upon lands and net profits.

SEC. 5. *Be it further enacted*, That said bonds issued as above provided for, shall be a lien upon the lands purchased; and all the net profits which may be obtained for the State from the use and sale of the crops raised on the land so purchased, under the provisions of this act, shall be paid into the treasury of the State and used for the payment of the bonds hereinbefore described, and for no other purpose, until the principal and interest shall have been paid; but the lien hereby declared or given, shall not be executed by a sale or appropriation of the property, or any part thereof, until the maturity of the bonds, or the time when the principal thereof shall be payable.

When bonds to be delivered

SEC. 6. *Be it further enacted*, That when the warden of the penitentiary shall have purchased the land and mules as hereinbefore authorized, and a perfect title in fee simple to the land so purchased shall have been executed to the State of Alabama and placed in the hands of the Governor, and the mules shall have been delivered to the warden of the penitentiary, then the Governor shall deliver to the person or persons, of whom the lands and mules shall have been purchased, an amount of the bonds hereinbefore specified, sufficient to pay in full, the purchase money for the same.

Skilled mechanics may be employed.

SEC. 7. *Be it further enacted*, That nothing in this act shall operate to prevent the warden and inspectors of the penitentiary from employing skillful mechanics or those qualified to perform skilled labor at trades within the walls of the penitentiary or elsewhere in accordance with the laws now in force.

How far the State is liable.

SEC. 8. *Be it further enacted*, That in no event shall the State of Alabama become, or made, or held liable for the payment of any bonds issued under the provisions of this act, beyond the value of the issues and profits derived from said lands, after

deducting the expenses incurred in conducting and operating said farm.

SEC. 9. *Be it further enacted*, That said bonds shall be made to show upon their face that the State of Alabama shall not be held liable for the payment of the principal or interest of said bonds, further than is hereinbefore provided in section 8.

State not liable for principal or interest.

SEC. 10. *Be it further enacted*, That it is the true intent and meaning of this act, that the bonds which may be issued under the provisions of this act shall be paid out of the proceeds arising from the sale of the products raised upon said lands by the convicts, or by an enforcement of the vendor's lien.

Bonds to be paid out of products.

SEC. 11. *Be it further enacted*, That before any of the proceeds of the crops grown on said lands shall be appropriated to the payment of said purchase money, all expenses arising from the cultivation thereof, and the cost (for) the support and maintainance of the convict laborers upon said lands, for which the State may be liable, shall be first paid out of said proceeds.

Expenses to be first paid.

SEC. 12. *Be it further enacted*, That in the discharge of the duties hereinbefore imposed upon the Governor of this State, he may appoint and associate with himself two disinterested citizens of the State of Alabama, to assist in carrying into effect the provisions of this act.

Governor may appoint two citizens.

SEC. 13. *Be it further enacted*, That it shall be the duty of the State Treasurer to pay to the holders of the bonds hereinbefore provided for, all monies paid into the treasury accruing from the rents, issues and profits of said land, as hereinbefore limited and prescribed, as the same may be paid into the treasury, and shall pay off said bonds as rapidly as can be done out of the profits arising from the farm.

Duty of State treasurer.

Approved March 29, 1873.

No. 34.]

AN ACT

To provide the convicts connected with the penitentiary with supplies for the year 1873.

Warden and inspectors to collect certain debts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the warden and the inspectors of the penitentiary with the sanction of the Governor, be, and they are hereby authorized and empowered to collect any and all debts due the State of Alabama for hire of convicts; and on, or connected with any lease of the penitentiary, its lands, buildings or materials, or for money loaned in connection therewith, and use the same in making necessary repairs in and about the penitentiary buildings.

May compromise debts.

SEC. 2. *Be it further enacted*, That the warden and inspectors may compromise any debts due the State from the sources aforesaid; if in their judgment the same are bad or doubtful, on terms satisfactory to their judgment, subject to the approval of the Governor.

Defray expenses.

SEC. 3. *Be it further enacted*, That the warden and inspectors aforesaid, with the approval of the Governor, may out of any fund obtained under the provisions of this act, defray the expenses incurred in connection with any business of said penitentiary.

Approved, April 19, 1873.

No. 35.]

AN ACT

To provide the convicts connected with the penitentiary with supplies for the year 1873.

Warden and inspectors to collect certain debts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the warden and the inspectors of the penitentiary, with the sanction of the Governor, be and they are hereby authorized and empowered to collect any and all debts due the State of Alabama for hire of convicts; and on, or connected with any lease of the penitentiary, its lands, buildings or materials, or for money loaned in connection therewith, and use the same in making necessary repairs in and about the penitentiary buildings.

SEC. 2. *Be it further enacted*, That the warden and inspectors may compromise any debts due the State from the sources aforesaid; if in their judgment the same are bad or doubtful, on terms satisfactory to their judgment, subject to the approval of the Governor.

May compromise debts.

SEC. 3. *Be it further enacted*, That the warden and inspectors aforesaid, with the approval of the Governor, may out of any fund obtained under the provisions of this bill, defray the expenses incurred in connection with any business of said penitentiary.

Defray expenses.

Approved, April 22, 1873.

No. 36.]

AN ACT

To prohibit the sale or giving away of spirituous or vinous liquors in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors within one mile of any church or places of religious worship in this State on any day or days on which religious services are held at any of said churches or places of religious worship; *Provided*, That the operation of this act shall not apply to any incorporated city or town in this State.

Prohibited on days of religious worship.

Proviso.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of the first section of this act shall, on conviction of the same, be fined not less than twenty, nor more than fifty dollars for each and every offence, and be imprisoned in the county jail, or hard labor for the county, one or both, at the discretion of the jury trying the case.

Penalty for violation.

Approved, April 15, 1873.

To authorize the consolidation of corporations.

What corporations may consolidate.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any two or more mining corporations, or any two or more manufacturing corporations, or any two or more insurance companies incorporated by or under the laws of this State, may unite and consolidate their capital stock, property and business, in the manner hereinafter provided.

How to be effected.

SEC. 2. *Be it further enacted,* That no such consolidation shall be made except on the recommendation of the board of directors of each of the corporations proposed to be consolidated, and on the approval and adoption of such recommendation by a vote of a majority of at least two thirds of the whole number of the votes of the stockholders of each such corporation, given at a meeting of such stockholders in the manner prescribed by its charter, and to the end that such vote of stockholders may be given intelligently it is hereby directed that the proposal for any such consolidation shall be submitted in writing by the board of directors to the meeting of stockholders, and shall be entered on the minutes of such meeting together with the vote of the stockholders thereon.

Agreement in writing necessary.

SEC. 3. *Be it further enacted,* That when a proposal for such consolidation has been approved and adopted as hereinbefore provided, the consolidation shall be carried out and effected by an agreement in writing, sealed with the corporate seals and signed by the presidents of each of the contracting corporations, reciting in effect that such agreement is made with the approval and consent of the stockholders of each of the corporations given as provided in this act, and stating the terms and conditions of such consolidation, which agreement must be acknowledged by the presidents signing the same before some officer authorized by law to take and certify acknowledgements of deeds, and be certified for record by such officer, and must be recorded in the office of the probate court of the county in which such corporations are located, or if they be located

How acknowledged and recorded.

in different counties, in the office of the probate court of each county, and a certified copy of such agreement, and of the acknowledgement and probate thereof, shall be filed in office of the Secretary of State, who shall certify the filing of the same in his office, and thereupon the said consolidation shall be complete and have full effect.

SEC. 4. *Be it further enacted*, That on any such consolidation, the parties may, by their agreement of consolidation, adopt the name and charter of either one of them, as the name and charter of the consolidated corporation, and make such changes and provisions, as to the amount of stock and the numbers of directors of the consolidated company, as they may think proper, not inconsistent with the general laws of the State in relation to such corporations.

Name and charter optional.

SEC. 5. *Be it further enacted*, That the corporation so formed by consolidation shall be vested with, and entitled to all the property, rights and effects of each of the corporations uniting in forming it, and shall be liable to all the debts, obligations and duties of each of said corporations.

Property, rights and effects of each.

SEC. 6 *Be it further enacted*, That no suit or action pending for or against either of the corporations, at the time of such consolidation, shall be abated or delayed thereby, but the same shall be proceeded in the name of such consolidated corporations.

No abatement of any pending suit.

SEC. 7. *Be it further enacted*, That nothing in this act contained shall be so construed as to authorize the consolidation of corporations of dissimilar and different classes, and all laws conflicting with the provisions of this act are hereby repealed.

No consolidation of dissimilar corporations.

Approved April 23, 1873.

No. 38.]

AN ACT

To authorized the Governor of this State to fill vacancies, which may occur in judicial offices in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of

this act, all vacancies which may occur in judicial offices in this State, whether by resignation or otherwise, shall be filled by appointment to be made by the Governor of this State, and the person appointed by him shall hold office until the next election of judge to the vacancy so filled, and until his successor shall have been elected and qualified.

Approved March 7, 1873.

No. 39.] AN ACT

To authorize the presiding officer of the Senate and the Speaker of the House of Representatives to administer oaths.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the presiding officer of the Senate and the Speaker of the House of Representatives may each of them administer all oaths which are required to be taken under the laws of this State, any law or usage in this State to the contrary notwithstanding.

Approved, Dec. 17, 1872.

No. 40.] AN ACT

To compromise a certain suit pending against the State of Alabama.

WHEREAS, Hampton S. Whitfield, late commissioner of lotteries of the State of Alabama, having been duly appointed and commissioned by the Governor, under the provisions of an act of the legislature entitled "an act to regulate lotteries," approved December thirty-first, one thousand, eight hundred and sixty-eight, did perform the duties as said officer for two years, from January 1st., one thousand eight hundred and sixty-nine, the date of his commission of office, and has received therefor no part of the salary of two thousand

Facts recited.

dollars per annum, allowed by said law; and, whereas, a suit has been instituted against the State of Alabama, by said Whitfield, for four thousand dollars as his salary, due for two years, and is now pending by appeal in the supreme court; and whereas, it is recommended by the counsel of the State and by the circuit judge before whom said suit was instituted, that said cause is one proper, under all the circumstances, to be compromised by the payment by the State of two thousand dollars to said Whitfield; Therefore,

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor be authorized and instructed to draw his warrant on the Treasurer payable to said Hampton S. Whitfield, in the sum of two thousand dollars, which shall be a full and complete satisfaction and payment of said claim, in suit, as aforesaid, against the State of Alabama.

Appropriation
of two thousand
dollars.

Approved March 5, 1873.

No. 41.]

AN ACT

To provide a general law for the incorporation of societies formed for social and literary purposes.

SECTION 1, *Be it enacted by the General Assembly of Alabama*, That whenever ten or more persons desire to form a society for the social and literary advancement of its members, they may become incorporated and entitled to all the privileges of private corporations, formed under general laws, passed in pursuance of the constitution, in the following manner:

Manner of incorporation.

1. Such persons shall first adopt a constitution and elect officers, and such officers shall file in the office of the judge of probate of the county in which such society is located, a declaration in writing, stating the name, object and purposes of the society, the adoption of the constitution, the names and style of its officers, the number of its members, which shall in no case exceed one hundred and fifty, and whether such society issues shares of stock, or

is formed for pecuniary purposes, and if so, then the amount of stock, the number of shares into which it is divided, and by whom held.

2. This declaration shall be signed by the said officers and attested before some notary public or justice of the peace, and duly recorded in the office of such probate judge.

Exemption
from taxation.

SEC. 2. *Be it further enacted*, That the property of corporations formed *bona fide* under the provisions of this act to an amount not exceeding two thousand dollars, shall be exempt from all State, county, and municipal taxation and licenses; *Provided; always*, That if any such property is used for any other purpose than legitimately pertains to the object of such society, it shall not be exempt from such taxation; *And provided further*, That no property of any corporation formed in pursuance of this law, shall be exempt from taxation, if such society is formed for pecuniary purposes: *Provided further*, That if any society incorporated under this act shall permit any games to be played for wager, such society shall at once forfeit its charter and cease to be a body corporate as hereinbefore provided.

Proviso.

Approved, April 23, 1873.

No. 42.]

AN ACT

To authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned, against the State of Alabama, on account of the Alabama and Chattanooga railroad.

Appointment
of commissioner,
and his duty

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor is hereby authorized to appoint one commissioner, whose duty it shall be to investigate, examine and audit the indebtedness of the Alabama and Chattanooga railroad to the employees and laborers of said road and all just claims for provisions and supplies furnished by any person or persons during the time the State of Alabama had possession and control of said railroad, and when such indebtedness is ascertained:

and audited, said commissioner shall certify to the Auditor of public accounts the amounts due and to whom due, and the Auditor is hereby authorized and required to draw his warrant on the State Treasurer for the amount due each person certified as aforesaid: *Provided*, That if any of the indebtedness, required to be audited under the provisions of this bill, has been transferred to any person or persons, that the said commissioner certify in the name of the transferee, or true owner thereof.

Proviso.

SEC. 2. *Be it further enacted*, That said commissioner shall have full and ample power to investigate the correctness of all claims presented to him under the provisions of this bill, and shall have power to issue subpoenas, and to administer oaths to witnesses, and to send for persons and papers, and to receive evidence by deposition, properly taken and also vouchers and certificates as evidence for services performed and supplies furnished, which were issued by the proper agents and officers of the State in said road.

Powers of commissioner.

SEC. 3. *Be it further enacted*, That said commissioner must not adjudicate upon or allow any claims for damages.

No claims for damages.

SEC. 4. *Be it further enacted*, That said commissioner shall sit for the adjudication of all claims arising under the provisions of this act at Livingston, Eutaw, Tuskaloosa, and Birmingham, and at Attalla, at such times and for such terms as he shall appoint, after publication of the time and place of his several sessions for more than thirty days in a newspaper published in the counties in which said towns or some of them is situated.

When sessions to be held.

SEC. 5. *Be it further enacted*, That any claims which might have been presented under the provisions of this bill to said commissioner, shall be forever barred, unless presented to the commissioner at one of his sessions aforesaid, or suit be brought to recover the same in one of the courts of this State, within twelve months from the approval of this act; *And provided also*, In case the claim or claims of any person or persons presented to said commissioner, shall not be allowed by said commissioner, such person or persons shall have twelve months

Claims, when barred.

Proviso.

from the rejection of such claims to institute suit therefor in the courts of this State, and if suits be not brought or commenced within twelve months thereafter on such claim or claims, the same shall be barred.

Authorized to employ a clerk; his duties, etc.

SEC. 6. *Be it further enacted*, That said commissioner shall be authorized to employ a competent clerk, who shall attend the sitting of said commissioner, shall keep a docket of each claim presented, and the order and decision of the commissioner thereon, and also a minute or statement of such material parts of the testimony of each witness as the court of commissioner may direct, which docket with the adjudication of the commissioner and the statement in each case, when the session of the commissioner is closed, at each of the places named in the fourth section of this act, shall be signed and certified to be correct by said commissioner and said clerk, and shall be deposited with the Auditor of the State, and said commissioner shall give to each person holding any claims which shall be allowed by him, a certificate of the amount allowed, and on what account, on the presentment of which certificates the Auditor of the State is hereby authorized to draw a warrant on the treasury ; *Provided*, That in cases where one person is the holder of more than one claim on the same account, which shall be allowed, the same may be consolidated in one certificate by said commissioner.

Salary of commissioner.

Compensation of clerk.

SEC. 7. *Be it further enacted*, That the said commissioner shall be allowed for his services a salary of seven hundred and fifty dollars, to be paid out of the treasury on the warrant of the Auditor when the session of the commissioner under this act shall terminate ; and the said commissioner shall be authorized to certify to the Auditor a reasonable compensation to the clerk, who shall be appointed by him, and also a statement of necessary expenses in the execution of this commission, for which said Auditor shall draw his warrant on the treasury.

Vacancy: how filled.

Termination of office.

SEC. 8. *Be it further enacted*, That the Governor shall be authorized to fill any vacancy which may occur by death, resignation, or refusal to act in place of said commissioner ; *Provided*, That the office of

said commissioner shall terminate on the first of November next.

SEC. 9. *Be it further enacted*, That appeal shall be from the decision of the commissioner in any case at the instance of either party, to the next term of the circuit court of the county where the same is tried; in which case the trial in the appellate court shall be on the evidence stated in the record of the proceedings had before the commissioner as on an appeal in chancery cases; *Provided*, That either party shall have the right to introduce other or additional evidence on the trial in the circuit court; *Provided also*, That in case of any appeal taken under this act, no certificate shall be issued for any allowance made until a final disposition of the cause, but in the event that a judgment should be rendered by the appellate court against the State, the same shall be paid out of the treasury on the warrant of the Auditor.

Appeal to circuit court.

Proviso.

Further proviso.

SEC. 10. *Be it further enacted*, That the said commissioner shall be authorized, if he thinks it necessary for the protection of the interests of the State, to employ counsel for the State in particular cases, and to certify to the Auditor a reasonable compensation for the services of such counsel, to be paid out of the treasury on the Auditor's warrant.

Counsel may be employed.

Approved, March 28, 1873.

No 43.]

AN ACT

To revive and complete the geological and agricultural survey of the State of Alabama.

WHEREAS, By an act of the General Assembly, approved January, 1848, and an act approved January 3d, 1854, a geological and agricultural survey was instituted and prosecuted for some years, with great advantage to the people of the State; and, Whereas, The said survey was left incomplete by the death of Prof. Michael Tuomey, State Geologist; and, Whereas, Dr. Eugene A. Smith, Professor of Mineralogy and Geology in the University of Ala-

Preamble.

bama, is required by ordinance of the board of regents of said university to devote a portion of his time and labor to a geological exploration of the State, and to an examination of its mineral and agricultural resources ; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Eugene A. Smith, professor of Mineralogy and Geology in the University of Alabama, be and he is hereby appointed State Geologist.

Appointment
of State geolo-
gist.

SEC. 2. *Be it further enacted,* That the said State Geologist shall make to the Governor an annual report of the progress of his surveys and exploration of the mineral, agricultural and other natural resources of the State, and upon the completion of the survey, he shall make a full report of his labors, including surveys and explorations of mineral deposits, their location, and the best and most economical methods of development ; of the qualities of soils, and their adaption to agricultural purposes, together with analysis of soils, ores, minerals and mineral water, with maps, charts and drawings ; which said report shall be printed, and shall be the exclusive property of the State.

Annual report
to governor.

Full report to
be printed.

SEC. 3. *Be it further enacted,* That it shall be the duty of the said State Geologist to make collections of specimens, illustrations of the geological, agricultural and mineral features of the State, one suite of which shall be deposited in the cabinet of the University of Alabama, a second suite in the cabinet of the Agricultural and Mechanical College, and a third in the office of the commissioner of industrial resources, in the State Capitol at Montgomery.

Duty of geolo-
gist.

SEC. 4. *Be it further enacted,* That for the outfit of the said survey, there shall be appropriated out of any moneys in the treasury not otherwise appropriated, First, the sum of eight hundred dollars (\$800) for the purchase of chemicals and the necessary apparatus of a laboratory for the analysis of soils, ores, minerals and mineral water ; Second, the sum of two thousand two hundred dollars (\$2,200) for the purchase of an ambulance and team ; Third, an annual sum of five hundred dollars (\$500) to pay

Appropriation
for expenses.

the traveling and incidental expenses of the said State Geologist during such time as he is engaged in the field work of the survey. The auditor shall, on the requisition of the said State Geologist, when approved by the Governor, draw his warrant on the treasury for the said sums as they shall be needed for the purpose of said survey, as herein set forth; and the vouchers of said State Geologist, for all expenditures made from this fund, shall be filed with the Auditor, to be laid before the General Assembly.

Approved April 18, 1873.

No. 44.]

AN ACT

To authorize the Governor of Alabama to dispose of, by sale or lease, the old canal, known as the Muscle Shoals canal, and all the lands, timber, rock and iron belonging or appertaining thereto, and all the rights and privileges vested in the State of Alabama thereto.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor is hereby authorized, in person, or by an agent appointed by him, to dispose of all the property and rights and privileges referred to in the title of this act, by sale or lease, in the manner deemed by the Governor to be best for the State; *Provided,* That no disposition made by such agent, shall have any force until approved by the Governor; *Provided, also,* That any sale or lease made under the provisions of this act, shall be ratified by the General Assembly before the same shall be of any force and effect.

Authority to sell or lease.

Proviso.

Approved April 21, 1873.

No. 45.]

AN ACT

In relation to the claims of the attorneys employed by Governor Lindsay in the matter of the Alabama and Chattanooga railroad.

WHEREAS, The claims of the several attorneys employed by Governor Lindsay to represent the

Preamble.

interests of the State in the matter of the Alabama and Chattanooga Railroad Company and its property in the courts of Alabama and other States, for services rendered by them, are uncertain in amount, and are proper subjects of judicial investigation to ascertain the same, which the State ought to pay to said attorneys respectively ; therefore,

Suit may be brought, and where.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That said attorneys or any of them may bring suit against the State in the usual way, in the circuit or city court at Montgomery, to recover compensation for the services so rendered by him or them. It shall be the duty of the Attorney General to defend such suits, and either party may reserve exceptions and appeal to the supreme court, as in other cases ; and if no appeal be taken within ten days after judgment, such judgment, if against the State, shall be certified by the clerk of the court to the Governor, who shall order the same to be paid, either by directing the Auditor to draw his warrant on the Treasurer for the amount thereof, or at his option, by delivering to the plaintiff thereon, at par, the bonds of the State authorized to be issued by the general Assembly.

Approved April 22, 1873.

No. 46.]

AN ACT

To regulate the publication of legal notices and advertisements.

Party interested may designate.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, in all cases wherein the publication of any notice, sale or other advertisement is required by law to be made in a newspaper, it shall be the privilege of the party in whose behalf or on whose proceeding such notice or sale or other advertisement may become necessary, to designate the newspaper in which the same shall be made. *Provided,* such newspaper is published in the county in which the law requires

that such notice, sale or other advertisement shall appear.

SEC. 2. *Be it further enacted*, That it shall be the duty of the judges of probate, sheriffs, registers in chancery, circuit clerks and other officers charged by law with the publication of legal notices, to publish the same in the newspaper designated in accordance with section one of this act.

Duty of officers

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved April 4, 1873.

No. 47.]

AN ACT

To confer upon the several chancery courts of this State power to declare married women free dealers.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the several chancery courts of this State are hereby authorized and empowered to relieve all married women from the disabilities of coverture, so far as to invest them with the right to buy and sell, hold or convey, real or personal property, and to sue and be sued as *feme sole* in the following named cases: First, whenever the wife by her next friend shall file her petition in such chancery court, alleging her wish to become a *feme sole* for the purposes and to the extent herein above stated, and the husband shall in writing consent thereto. Second, whenever the chancery court upon such petition filed and proof taken shall be of opinion that the prayer of the petitioner should be granted.

Authority.

In what cases.

SEC. 2. *Be it further enacted*, That the court costs in such proceedings, exclusive of the costs of depositions, shall not exceed ten dollars.

Court costs limited.

SEC. 3. *Be it further enacted*, That from and after the passage of this act, no bill shall be presented to the General Assembly to make any married woman a free dealer, or invest her with the rights of a *feme sole*, unless such application shall have been made to the chancery court; and in all such cases

Legislation prohibited.

Exception.

the application to the General Assembly shall be accompanied by a certified transcript from the chancery court.

Approved April 15, 1873.

No. 48.]

AN ACT

To confer jurisdiction upon the chancery courts of the State to relieve minors over eighteen years of age from the disabilities of non-age.

Authority.

SECTION 1. *Be it enacted by the General Assembly of bama,* That the several chancery courts of the State are hereby authorized and empowered to relieve minors over eighteen years of age from the disabilities of non-age in the following cases and in none others :

In what cases.

1 Whenever the father of such minor, or the mother, if the father be dead, shall petition the court in writing, praying that such minor be relieved from the disabilities of non-age, and the court shall be satisfied that it is to the interest of such minor.

2. Whenever such minor, having no father, mother or guardian shall petition the court to be relieved of the disabilities of non-age, and the court shall be satisfied that it is to the interest of such minor.

3. Whenever such minor, having no father or mother, but having a guardian shall petition the chancery court to be relieved from the disabilities, and said guardian shall join in such petition, and the court be satisfied that it is to the true interests of such minor.

Where petition to be filed.

SEC. 2. *Be it further enacted,* That all petitions under this act shall be filed in the chancery court of the chancery district in which the parent or guardian of such minor resides, when the petition is filed by the parent or guardian, and in the chancery court of the district, where the said minor resides, when the petition is filed by a minor who has no parents or guardian.

SEC. 3. *Be it further enacted*, That whenever a petition is filed in the chancery court by a parent who is guardian of the minor, or by a minor and joined in by the guardian, it shall be the duty of the register to give notice of the filing of such petition in the newspaper published in said chancery district having the largest circulation, and in event no newspaper is published in such district, then in such manner as may be prescribed by the court, or by the chancellor in vacation. Such notice shall be given for at least one week before the day of the chancery court on which such petition is heard.

Notice to be given in certain cases.

SEC. 4. *Be it further enacted*, That upon the hearing of all petitions filed under this act, any person may contest the granting of the same, upon giving security for costs of such contest. All evidence touching said petitions shall be taken in such manner as may be directed by the court, or the chancellor in vacation.

Contest allow'd

SEC. 5. *Be it further enacted*, That if upon the hearing of the evidences adduced, and upon such other evidence as may be required by the court, the court shall be satisfied that it will be to the interest of such minor to be relieved from the disabilities, the court shall thereupon decree accordingly, and such decree shall have the effect of investing such minor with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real estate, and generally to do and perform all acts which said minor could lawfully do if twenty-one of years of age, except as hereinafter provided.

Decree of court and its effect.

SEC. 6. *Be it further enacted*, That the chancery court in rendering its decree upon any petition filed under this act, may, if it deem it advisable, restrict and qualify the rights of minors decreed to be relieved from the disabilities of non-age, as to acquittances to, and contracts with, guardians, executors, administrators, trustees, and other persons indebted to such minors to such an extent as to the court may seem proper in such particular case, and such restrictions shall be fully set forth in the decree relieving such minor from the disabilities of non-age.

May restrict and qualify.

SEC. 7. *Be it further enacted*, That every minor relieved under the provisions of this act shall file a

Minor relieved
to file certified
copy of decree.

Decree not ef-
fectual until
recorded.

Fees of officers

Legislation
prohibited.

certified copy of the decree of the chancery court in his case in the office of the judge of probate in each of the counties in which such minor shall thereafter reside, and in the office of the judge of probate of each county in the State, where said minor shall do any business or make any contracts, and it shall be the duty of the probate judge in said counties to record said decree and keep the same for the inspection of the public. The decree of the chancellor shall not take effect in removing the disabilities of non-age in any case, until said decree shall have been recorded in the office of the judge of probate, as provided in this section.

SEC. 8. *Be it further enacted.* That the judge of probate shall receive one dollar for recording the decrees rendered by the chancery court in this act, and the register for his services such sum, not exceeding ten dollars, as may be allowed by the court, to be paid by the minor in whose favor such decree is rendered, together with the cost of all advertising done under the provisions of section three of this act.

SEC. 9. *Be it further enacted,* That no bill hereafter shall be presented to or passed by the General Assembly of Alabama relieving the disabilities of non-age unless application therefor has been first made to the court of chancery under this act.

Approved, March 17. 1873.

No. 49.]

AN ACT

To repeal an act to regulate the appointment of receivers in chancery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act, entitled an act to regulate the appointment of receivers in chancery, approved March 3, 1870, be, and the same is hereby repealed.

Approved, April 4, 1873.

No. 50.]

AN ACT

To amend sections four, nine and fourteen of an act entitled "an act in relation to the chancery courts in Alabama."

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That sections four, nine and fourteen of an act entitled an act in relation to the chancery courts in Alabama, approved August 12, 1868, which reads as follows, to-wit: "Section 4. Be it further enacted, That the chancery districts in the northern division are composed of the following counties :

The first of Franklin ; the second of Lauderdale ; Re-iteration. third of Lawrence and Winston ; fourth of Limestone ; fifth of Madison ; sixth of Morgan ; seventh of Blount ; eighth of Marshall ; ninth of Jackson ; tenth of DeKalb, and the eleventh of Cherokee. Section 9. Be it further enacted, That the courts for the several chancery districts for the northern division must be held at the court house of the following counties: First, for the first district, Franklin ; second, for the second district, Lauderdale ; third, for the third district, Lawrence ; fourth, for the fourth district, Limestone ; fifth, for the fifth district, Madison ; sixth, for the sixth district, Morgan ; seventh, for the seventh district, Blount ; eighth, for the eighth district, Marshall ; ninth, for the ninth district, Jackson ; tenth, for the tenth district, DeKalb ; eleventh, for the eleventh district, Cherokee. Section 14. Be it further enacted, That the terms for the chancery courts in the northern division are to be held in each year, as follows :

For the first district, Franklin, on the first Monday in May and the second Monday in November, and may continue three days each term.

For the second district, Lauderdale, on the second Monday in May and the third Monday in November, and may continue six days at each term.

For the third district, Lawrence, on the third Monday in May and the fourth Monday in November, and may continue six days at each term.

For the fourth district, Limestone, on the fourth Monday in May, and may continue six days.

For the fifth district, Madison, on the first Monday after the fourth Monday in May, to continue six days, and on the first Monday after the fourth Monday in November, and may continue two weeks.

For the sixth district, Morgon, on the second Monday in May, and may continue four days.

For the seventh district, Blount, on the Friday after the second Monday, after the fourth Monday in May, and may continue two days.

For the eighth district, Marshall, on the third Monday after the fourth Monday in May, and may continue three days.

For the ninth district, Jackson, on the Thursday after the third Monday after the fourth Monday in May, and on the fourth Thursday after the first Monday in December, and may continue three days at each term.

For the tenth district, DeKalb, on the fourth Monday after the fourth Monday in May, and the Thursday before the first Monday in January, and may continue three days at each term.

For the eleventh district, Cherokee, on Thursday after the fourth Monday after the fourth Monday in May, and continue three days; and on the first Monday in January, and may continue for six days, be and the same are hereby amended to read as follows, to-wit:

Section 4. Be it further enacted, That the chancery districts in the northern division are composed of the following counties:

Chancery districts.

The first of Franklin, second of Lauderdale, third of Morgan, Lawrence and Winston, the fourth of Limestone, the fifth of Madison, sixth of Colbert, seventh of Blount, eighth of Marshall, ninth of Jackson, tenth of DeKalb.

Section 9. Be it further enacted, That the courts for the several chancery districts for the northern division must be held at the following places, to-wit:

Places of holding courts.

First, for the first district, at the court house of Franklin county; second, for the second district, at the court house of Lauderdale; third, for the third district, at the town of Courtland, in the county of

Lawrence; fourth, for the fourth district, at the court house of Limestone county; fifth, for the fifth district, at the court house of Madison county; sixth, for the sixth district, at the court house of Colbert county; seventh, for the seventh district, at the court house of Blount county; eighth, for the eighth district, at the court house of Marshall county; ninth, for the ninth district, at the court house of Jackson county; tenth, for the tenth district, at the court house of DeKalb county.

Section 14. Be it further enacted, That the terms Terms. of the chancery courts in the northern division are to be held in each year as follows:

First district, Franklin, on the first Monday in First district. May, and Thursday after the first Monday in November, and may continue three days each term.

For second district, Lauderdale, on the second Second. Monday in May, and the second Monday in November, and may continue six days.

For the third district, Morgan, Lawrence and Third. Winston, on the second Monday in January, and the second Monday in July, and may continue two weeks at each term.

For the fourth district, Limestone, on the fourth Fourth. Monday in May, and the fourth Monday in November, and may continue six days at each term.

For the fifth district, Madison, on the first Fifth. Monday after the fourth Monday in May, to continue six days, and on the first Monday after the fourth Monday in November, and may continue two weeks.

For the sixth district, Colbert, on the Sixth. Monday preceding the first Monday in May, and on Monday preceding the first Monday in November, and may continue six days.

For the seventh district, Blount, on the Seventh. Friday after the second Monday after the fourth Monday in May, and may continue two days.

For the eighth district, Marshall, on the third Eighth. Monday after the fourth Monday in May, and may continue three days.

For the ninth district, Jackson, on Ninth. Thursday after the third Monday after the fourth Monday in May, and may continue six days, and on the fourth Monday in December, and may continue six days.

Tenth.

For the tenth district, DeKalb, on Thursday after the fourth Monday in May, and on the third Monday in December, and may continue three days at each term.

Register to be appointed.

SEC. 2. *Be it further enacted*, That it shall be the duty of the chancellor of the northern district, within thirty days after this act shall have become a law, to appoint a register for the said third district of the northern division, who shall keep his office at the town of Courtland, and whose duty shall be the same as those now established by law in this State for registers in chancery, and that such register is required to qualify himself in every respect according to law, before entering upon the discharge of his duties as other registers in chancery have done in this State, and are required by law now to do.

Certain laws applicable to said register.

SEC. 3. *Be it further enacted*, That all laws and parts of laws governing registers in chancery in this State are hereby made applicable to and in full force as to the register appointed under this act.

Duty of said register.

SEC. 4. *Be it further enacted*, That immediately after a register in chancery for the third district shall have been appointed under this act, and have duly qualified as such according to law, it shall be the duty of such register to make application to the registers in chancery at Somerville, in the county of Morgan, and at Moulton, in the county of Lawrence, for all the papers on file in the office of the said registers, in causes now pending, and that it shall be the duty of said registers at Somerville and Moulton, upon such application to turn over all the papers on file in said chancery causes, together with a complete transcript of the rules, orders and minute and docket entries in said causes, to such register, taking his receipt for the same, and for the bills of cost due them in said causes; and it shall be the duty of such register to at once enter said causes upon the proper docket for trial or otherwise, and file all of the papers so turned over to him in his office, and the said causes shall stand on his docket and be proceeded with and in the same manner as if originally commenced in his office.

SEC. 5. *Be it further enacted*, That after the papers on file in the causes now pending in the chan-

cery court at Somerville and Moulton, together with a certified transcript of the rules, orders and minute and docket entries thereon, shall have been turned over to the register to be appointed under this act, the office, books and records of said offices shall remain and be hereafter in the custody of the probate judge of Morgan and Lawrence counties respectively, and the said probate judges having custody thereof shall have authority, and it shall be their duty to make and furnish to persons who shall make application therefor, transcripts and office copies from said books and records, certified by them in the same manner as such records and office copies are certified by registers in chancery, for which they shall be entitled to receive the same fees as registers in chancery are allowed by law; *Provided however*, That the chancellor of the said third district may order the removal of such office, books and records as he may see proper from the said offices in which the same are to be deposited to the office of the register for the said third district.

When certain documents must remain.

Proviso.

SEC. 6. *Be it further enacted*, That the provisions of this act shall take effect immediately on its passage. Act in force at once.

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with provisions of this act be and the same are hereby repealed.

Approved, March 17, 1878.

No. 51.]

AN ACT

To authorize Chancellors of the State of Alabama and other judicial officers to solemnize marriages.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancellors of the State, and judges of the city courts are hereby authorized to solemnize marriages, in all cases, where by existing laws judges of the circuit courts may do so.

Approved; February 17, 1873.

No. 52.]

AN ACT

To regulate the terms of the courts of the First Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the first day of July, one thousand eight hundred and seventy-three, the circuit court of the first judicial circuit shall be held at the following times in the respective counties composing the same:

Perry.

Commence in the county of Perry on the first Monday in March and October, and may continue three (3) weeks.

Hale.

For the county of Hale, on the third Monday after the first Monday in March and October, and may continue three (3) weeks.

Bibb.

For the county of Bibb, on the sixth (6) Monday after the first Monday in March and October, and may continue one week.

Dallas.

For the county of Dallas, on the seventh Monday after the first Monday in March and October, and shall continue eight (8) weeks, unless the business is sooner disposed of.

Criminal docket, when taken up.

SEC. 2. *Be it further enacted,* That the criminal docket shall be taken up in the county of Perry on Wednesday of the second week of said court; in the county of Hale, on Wednesday of the second week of said court; in the county of Bibb, on Wednesday of the only week of said court; in the county of Dallas, on the seventh Monday of said court.

Return of legal process.

SEC. 3. *Be it further enacted,* That all legal process returnable to the circuit courts of the counties composing said circuit, shall be returnable to the terms of said circuit courts, in accordance with the provisions of this act.

SEC. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, March 24, 1873.

No. 53.]

AN ACT

To amend the first section of an act entitled an act to fix the times of holding the circuit courts in the Third Judicial Circuit of Alabama; approved December 12, 1871.

Be it enacted by the General Assembly of Alabama, That the first section of an act entitled an act to fix the time of holding the circuit court in the third judicial circuit of Alabama—approved December 12, 1871—which is in words and figures as follows, to wit: “Section 1. Be it enacted by the General Assembly of Alabama, That the courts of the third judicial circuit shall be held at the following times, viz: In the county of Jefferson, on the first Monday in March and September, and may continue one week; in the county of Walker, on the second Mondays in March and September, and may continue one week; in the county of Fayette on the third Mondays in March and September, and may continue one week; in the county of Sanford, on the fourth Mondays in March and September, and may continue one week; in the county of Winston on the second Mondays after the fourth Mondays in March and September, and may continue one week; and in the county of Tuscaloosa on the third Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of, be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the courts in the third judicial circuit shall be held at the following times, viz: In the county of Walker on the second Mondays in March and September, and may continue one week; Walker. in the county of Fayette on the third Mondays in March and September and may continue one week; Fayette. in the county of Sanford on the fourth Mondays in March and September, and may continue one week; Sanford. in the county of Marion on the first Mondays after the fourth Mondays in March and September, and may continue one week; Marion. in the county of Winston, on the second Mondays after the fourth Mondays in Winston.

March and September, and may continue one week ;
 Jefferson. in the county of Jefferson, on the third Mondays af-
 ter the fourth Mondays in March and September,
 and may continue two weeks ; in the county of Tus-
 Tuscaloosa. kaloosa, on the fifth Monday after the fourth Mon-
 days in March and September, and may continue
 until the business is disposed of.

Approved, February 18, 1873.

No. 54.]

AN ACT

To fix the time of holding the circuit court in the
 7th judicial circuit.

SECTION 1. *Be it enacted by the General Assem-
 bly of Alabama,* That the circuit court of the 7th
 judicial circuit, in the several counties, shall be
 held each as follows: In the county of Choctaw on
 the third Monday in March and September, and may
 continue two weeks. In the county of Marengo, on
 the first Monday after the fourth Monday in March
 and September and may continue two weeks. In
 the county of Sumter, on the third Monday in March
 and September and may continue two weeks. In
 the county of Pickens, on the fifth Monday after the
 fourth Monday in March and September, and may
 continue two weeks. In the county of Greene, on
 the seventh Monday after the fourth Monday in
 March and September, and may continue until all
 the business is disposed of by the court.

SEC. 2. *Be it further enacted,* That all laws in
 conflict with the provisions of this act, be and is
 hereby repealed—be and is hereby amended as
 follows :

SECTION 1. *Be it enacted by the General Assem-
 bly of Alabama,* That the circuit court of the 7th
 judicial circuit in the several counties shall be held
 each year as follows: In the county of Pickens, on
 the third Monday in March and September and may
 continue two weeks. In the county of Greene, on
 the first Monday after the fourth Monday in March
 and September and may continue two weeks. In

Pickens.

Greene.

the county of Sumter, on the third Monday after the fourth Monday in March and September and may continue two weeks. In the county of Choctaw, on the third Monday after the fourth Monday in March and September, and may continue two weeks. In the county of Marengo, on the seventh Monday after the fourth Monday in March and September and may continue two weeks.

Sumter.

Choctaw.

Marengo.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 21, 1873.

No. 55.] AN ACT

To amend an act to fix the time of holding the circuit court in the seventh judicial circuit, approved March 7, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to fix the time of holding the circuit court in the seventh judicial circuit, approved March 7, 1873, which is in words and figures the following, to-wit :

That the circuit court of the seventh judicial circuit in the several counties shall be held each year as follows :

In the county of Pickens, on the third Monday in March and September, and may continue two weeks.

In the county of Greene, on the first Monday after the fourth Monday in March and September, and may continue two weeks.

In the county of Sumter, on the third Monday after the fourth Monday in March and September, and may continue two weeks.

In the county of Choctaw, on the third Monday after the fourth Monday in March and September, and may continue two weeks.

In the county of Marengo, on the seventh Monday after the fourth Monday in March and September, and may continue two weeks.

Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed—be and the same is hereby amended, as follows :

Pickens. In the county of Pickens, on the third Monday in March and September, and may continue two weeks.

Greene. In the county of Greene, the first Monday after the fourth Monday in March and September, and may continue two weeks.

Sumter. In the county of Sumter, on the third Monday after the fourth Monday in March and September, and may continue two weeks.

Choctaw. In the county Choctaw, on the fifth Monday after the fourth Monday in March and September, and may continue two weeks.

Marengo. In the county of Marengo, on the seventh Monday after the fourth Monday in March and September, and may continue two weeks.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the above provisions of this act be, and the same are hereby repealed.

Approved March 15, 1873,

No. 56.]

AN ACT

To amend section one of an act entitled an act to fix the time of holding the circuit court in the eighth judicial circuit, approved February 3, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled and act to fix the time of holding the circuit court in the eight judicial circuit, approved February 3, 1870, which is in the words and figures following, to-wit: *Be it enacted by the General Assembly of Alabama*, That the circuit court for Henry county shall be holden on the first Monday in March and September, and continue two weeks ; in the county of Dale on the third Monday in March and September, and continue one week: in the county of Geneva on the fourth Monday in March and September, and continue one week ; - in the county of Coffee, on the

first Monday after the fourth Monday in March and September, and continue one week; in the county of Pike, on the second Monday after the fourth Monday in March and September, and continue two weeks; in the county of Bullock, on the fourth Monday after the fourth Monday in March and September and continue two weeks; in the county of Barber, on the sixth Monday after the fourth Monday in March and September, and continue until business is disposed of—be and the same is hereby so amended as to read as follows: Be it enacted by the General Assembly of Alabama, That the circuit court for Henry county, shall be holden on the first Monday in March and September, and continue two weeks; in the county of Dale, on the third Monday in March and September, and continue two weeks: in the county of Geneva, on the first Monday after the fourth Monday in March and September, and continue one week; in the county of Coffee, on the second Monday after the fourth Monday in March and September, and continue one week; in the county of Pike, on the third Monday after the fourth Monday in March and September, and continue two weeks; in the county of Bullock, on the fifth Monday after the fourth Monday in March and September, and continue two weeks, and in the county of Barbour, on the seventh Monday after the fourth Monday in March and September, and continue until the business is disposed of.

SEC. 2. *Be it further enacted,* That said section one of said act, as it stood before the passage of this act, be and the same is hereby repealed.

Approved March 28, 1873.

No. 57.]

AN ACT

To limit the effect of an act entitled an act to amend section one of an act entitled an act to fix the time of holding the circuit court in the eight judicial circuit.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the provisions of an act entitled "an act to amend section one of an act entitled

an act to fix the time of holding the circuit court in the eighth judicial circuit," shall not go into effect and be of force until after the first day of July 1873, after which time the provisions of the said act shall go into effect and be of force.

Approved April 1, 1873.

No. 58.]

AN ACT

To prescribe the time of holding the Circuit Courts in the Tenth Judicial Circuits.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the circuit courts of the tenth judicial circuit shall be held at the following times and places:

Randolph.

For the county of Randolph on the third Monday in February and August, and may continue one week.

Clay.

For the county of Clay, on the fourth Monday in February and August, and may continue one week.

Talladega.

In the county of Talladega on the first Monday in March and September and continue four weeks.

Shelby.

In the county of Shelby on the first Monday after the fourth Monday in March and September and may continue two weeks.

Coosa.

In the county of Coosa, on the third Monday after the fourth Monday in March, and may continue one week, and on the third Monday after the fourth Monday in September, and continue two weeks.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved, March 14, 1872.

No. 59.]

AN ACT

To prescribe the time of holding the courts of the Twelfth (12th) Judicial Circuit of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage

of this act, the circuit courts of the several counties composing the twelfth judicial circuit of the State of Alabama, shall be held at the following times;

In the county of Cherokee on the first Monday in March and September of each year, and may continue two weeks. Cherokee.

In the county of Etowah, on the fourth Monday in March and September in each year, and may continue two weeks. Etowah.

In the county of St. Clair on the second Monday after the fourth Monday in March and September, and may continue one week. St. Clair.

In the county of Calhoun on the third Monday after the fourth Monday in March and September of each year, and may continue two weeks. Calhoun.

In the county of Cleburne, on the fifth Monday after the fourth Monday in March and September of each year, and may continue one week. Cleburne.

SEC. 2. *Be it further enacted,* That all laws and parts of laws controvening the provisions of this act, be, and the same are hereby repealed; *Provided,* That this act shall not take effect as to the counties of Cleburne and Etowah until the first day of July, 1873. Proviso.

Approved, March 24, 1873.

No. 60.]

AN ACT

To amend section 429 of the Revised Code of Alabama.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That section 429 of the revised code of Alabama, which is in the following words and figures, to wit: Section 429, (383). The University fund is three hundred thousand dollars, for the permanent security of which, and the punctual payment of the interest thereon, at the rate of eight per cent. a year forever, the faith and credit of the State are pledged; but the rate of interest prescribed in this section shall continue so long only, as it may be the policy of the State to continue the military

Amended section.

department as a branch of the State University, be and the same is hereby so amended as to read as follows: Section 429, (383). The University fund is three hundred thousand dollars, for the permanent security of which, and the punctual payment of the interest thereon at the rate of eight per cent. a year forever, the faith and credit of the State is pledged.

SEC. 2. *Be it further enacted*, That section 429 of the revised code of Alabama, as it stood before the passage of this act, be and the same is hereby repealed.

Approved, April 8th, 1873.

No. 61.]

AN ACT

To amend subdivision three (3) of section nine hundred and twenty-six of the Revised Code of Alabama.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That subdivision three (3) of section nine hundred twenty-six of the Revised Code of Alabama, which reads as follows: To number, register and pay all claims in the order in which they are presented; and on payment take a receipt for the same; and to mark on the register the word "paid" against the same—be and the same is hereby amended as follows: To number, register and pay all claims in the order which they are presented, and on payment take a receipt for the same and mark on the register the word "paid" against the same; except petit and grand jury certificates, which shall be paid on presentation without being audited, examined and allowed by the county commissioners, and numbered and registered as other claims, and that all witness certificates in criminal cases shall be paid as now provided for by law without being audited, examined and allowed by the court of county commissioners.

SEC. 2. *Be it further enacted*, That said subdivision three (3) of section nine hundred and twenty-six (926) as it now stands in said section, be and the same is hereby repealed.

Approved March 26, 1873.

No. 62.] AN ACT

To amend section one thousand and seventy-three of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one thousand and seventy three of the Revised Code of Alabama, which reads as follows: The superintendent and physician and his associates are exempt from militia service, from liability to work on any public road or highway, and from serving as jurors, be amended so as read as follows: The superintendent and physician and his associates and employes are exempt from militia service, from liability to work on any public road or highway and from serving as jurors. Exemption extended to employes.

SEC. 2. *Be it further enacted*, That said section one thousand and seventy-three, as it now stands, be and the same is hereby repealed.

Approved March 28, 1873.

No. 63.] AN ACT

To amend section 1833 of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section eighteen hundred and thirty-three of the Revised Code, which reads as follows: Sec. 1833, (1525). Bills and notes, payable at a bankers, or private banking houses, are negotiable instruments; bills of exchange and promissory notes payable in money at a bank or private bank-

Amended section. ing house, are governed by the commercial laws, except so far as changed by the Code, be so amended as to read as follows: Sec. 1833, (1525.) Bills and notes payable at a bankers, or a designated place of payment, are negotiable instruments; bills of exchange and promissory notes payable in money at a bank, or certain place of payment therein designated, are governed by the commercial law.

SEC. 2. *Be it further enacted*, That said section 1833, as it stands in the Revised Code, is hereby repealed.

Approved April 8, 1873.

No. 64.]

AN ACT

To amend section 2032 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2032 of the Revised Code of Alabama, which reads as follows, viz: An additional bond may also be required of the general administrator, whenever the judge of probate deems it necessary to secure the interests of the estate confided to his charge; and failing to give such bond within the time prescribed by the court he must be removed and his letter revoked, be and the same is hereby amended so as to read as follows, viz: Section 2032 (1711.) An additional bond may also be required of the general administrator whenever the judge of probate deems it necessary, to secure the interests of the estate confided to his charge, or the sureties may be unwilling to remain longer bound—and failing to give such bond within the time prescribed by the court—he must be removed and his letter revoked. *Provided*, That any person interested in any estate of which such general administrator is administrator, may by notice in writing to the judge of probate, that the interest of such estate requires that the general administrator should give an additional bond, the judge of probate shall require such general administrator to give an additional bond, and if in such case the judge of probate fail or

Recitation.

Amended section.

Proviso.

omit to require such additional bond, and loss thereby results to any one interested, the judge of probate and the sureties on his bond shall be responsible therefor.

SEC. 2. *Be it further enacted*, That said section 2032 (1711), as it now stands in print in the Revised Code, be and the same is hereby repealed.

Approved April 23, 1873.

No. 65.]

AN ACT

To amend section two thousand three hundred and seventy-six of the Revised Code.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That section two thousand three hundred and seventy-six of the Revised Code of Alabama which reads as follows, to-wit: "Section two thousand three hundred and seventy-six. *The wife's estate liable for the support of the family.* For all contracts for articles of comfort and support of the household suitable to the degree and condition in life of the family, and for which the husband would be responsible at common law, the separate estate of the wife is liable, to be enforced by action at law against husband and wife jointly," be so amended as to read as follows, to-wit: Section two thousand three hundred and seventy-six. *The wife's estate liable for the support of the family.* For all contract for articles of comfort and support of the household, suitable to the degree and condition in life of the family and for which the husband would be responsible at common law, the separate estate of the wife is liable, to be enforced by action at law against the husband alone, or against the husband and wife jointly, and if the action is against the husband alone, and if it be shown to the court that he resides out of the State, or if against the husband and wife jointly, and they or either of them reside out of the State, the court at

Revised Edition.

Amended section.

the return term of the writ, must direct the clerk to cause a notice of the suit to be advertised for four successive weeks in a newspaper published nearest to the court house of such county, where such order is obtained, and a copy to be sent to the post office when known, or when it can be ascertained, nearest to the residence of such non-resident defendant, and the cause shall proceed as if summons and complaint had been served on the defendants.

Approved, April 22, 1873.

No. 66.]

AN ACT

To amend section 2523 of the Revised Code.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2523 of the Revised Code, which reads: "§2523 (2129). Suits or contracts to pay money brought in the name of the beneficial owner, subject to defences against payee, etc.; exception, every action brought upon a promissory note, bond or other contract, express or implied, for the payment of money, must be prosecuted in the name of the party really interested, whether he have the legal title or not, subject to any defense the payee, obligor or debtor may have had against the payee, obligee or creditor, previous to notice of the assignment or transfer, but this clause does not apply to bills of exchange or instruments payable in bank, or at a private banking house, in all other cases the suit must be instituted in the name of the person having the legal title," be so amended as to read, §2523 (2129). Suits on contracts to pay money brought in name of the beneficial owner subject to defenses against payee, etc. Exception: Actions upon promissory notes, bonds, or other contracts express or implied for the payment of money, must be prosecuted in the name of the party really interested, whether he have the legal title or not, subject to any defense the payee, obligor or debtor may have had against the payee, obligee or creditor previous to notice of assignment or transfer, excepting

Amended section.

in the cases of actions upon bills of exchange, promissory notes payable in bank, or at a designated place of payment, and commercial instruments, in which cases the suits must be instituted in the name of the persons having the legal title.

SEC. 2. *Be it further enacted*, That the provisions of this act shall not effect any suit began before the passage of this act. In effect at once.

SEC. 3. *Be it further enacted*, That section 2523 as it now stands in print in the Revised Code of Alabama is hereby repealed.

Approved, April 18, 1873.

No. 67.]

AN ACT

To amend section two thousand six hundred and sixty (2660) of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two thousand six hundred and sixty (2660) of the Revised Code, which is in words and figures as follows: Two thousand six hundred and sixty (2660), two thousand two hundred and fifty-seven (2257). Certain causes tried at first term, if summons is executed twenty days previously. In actions of detinue trespass, to try titles, ejectments, trial of the right of property, slander, trespass, assault and battery, and in actions on contracts made since twenty-fifth of July, one thousand eight hundred and sixty-five (1865), except upon renewals of contracts existing prior to twenty-fifth of July, one thousand eight hundred and sixty-five (1865.) when the summons is executed twenty days previously to the return term thereof, the cause must be placed on the trial docket and stand for trial at the first term, unless good cause is shown for a continuance; and all proceedings for summary judgments prescribed in article first, chapter three, title two, part three, of this code, and for summary judgments under the revenue laws of this State, shall stand for trial after giving the prescribed notice, and the time of trial of cases in appeal and Recitation.

Amended Sec-
tion.

certiorari from justices, is governed by section two thousand seven hundred and seventy-two (2772), two thousand three hundred and sixty-eight of this code, and of cases in admiralty by chapter eight, title two, part three of this code, be and the same is hereby amended so as to read as follows: Section two thousand six hundred and sixty, (2660), two thousand two hundred and fifty-seven. Certain causes tried at first term if summons is executed twenty days previously. In actions of detinue, trover trespass to try titles, ejections, trial of the right of property, slander, trespass, assault and battery, and in actions on contracts made since twenty-fifth of July, one thousand eight hundred and sixty-five (1865), except upon renewals of contracts existing prior to twenty-fifth July, one thousand eight hundred and sixty-five (1865). When the summons is executed twenty days previous to the return term thereof, the cause must be placed on the trial docket and stand for trial at the first term, unless good cause is shown for a continuance; and all proceedings for summary judgments prescribed in article one, chapter three, title two, part three of this code, and for summary judgments under the revenue laws of this State, shall stand for trial, after giving the prescribed notice, and the time of trial of cases on appeal *certiorari* from justices is governed by section two thousand seven hundred and seventy-two (2772), two thousand three hundred and sixty-eight (2368) of this code, and of cases in admiralty by chapter eight, title two, part three, of this code."

SEC. 2. *Be it further enacted*, That section two thousand six hundred and sixty of the Revised Code of Alabama, as it now stands in said code, be and the same is hereby repealed.

Approved, April 22, 1873.

No. 68.]

AN ACT

To amend section three thousand and sixty (two thousand six hundred and thirty-two) of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section three thousand and sixty (two thousand six hundred and thirty-two) of the Revised Code of Alabama which reads as follows: Section three thousand and sixty (two thousand six hundred and thirty-two) against defaulting tax collectors and probate judges, for the amount of taxes collected by them not paid into the treasury, judgment for the amount not paid into the treasury, interest from the time such payment should have been made, and twenty-five per cent. damages thereon, be and the same is hereby amended to read as follows: Section three thousand and sixty (two thousand six hundred and thirty-two) against defaulting tax collectors, probate judges and county treasurers for the amount of taxes collected by them not paid into the treasury, judgment of the amount not paid into the treasury, interest from the time such payment should have been made and twenty-five per cent. damages thereon.

Recitation.

Amended section.

Approved, April 23, 1873.

No. 69.

AN ACT

To amend sections 3101, 3102 and 3104 of the revised code of Alabama, and to repeal the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 3101 of the revised code, which is as follows, to-wit: "Mechanics and builders have a prior lien upon the tract, parcel, or lot of land on which buildings are erected by them, and on the buildings so erected, for the price agreed on, or compensation to be paid, and materials used in the construction thereof, unless surety be given to such builders for the performance of the contract, or an agreement be made in writing waiving the lien. The lien is creative upon the following conditions: 1. The contract for the erection of the building must be in writing, and describe, with sufficient certainty to identify it, the tract, lot or parcel of land on which the building is to be erected; it must state the price

or compensation to be paid, be signed by the parties or their agents, and be registered in the office of the judge of probate of the county in which the lands lie, within sixty days after the date thereof. 2. The lien is subordinate to any existing mortgage, deed of trust, or other legal incumbrance which, if required by law to be recorded, is registered according to law. 3. The owner of the land may at any time relieve the land from the lien by giving the builder good and sufficient surety for the payment of the price or compensation agreed on. 4. A change or modification of the contract does not affect the lien," be and the same is hereby amended so as to read as follows :

Mechanics and builders have a prior lien upon the tract, parcel or lot of land on which buildings, inclosures, or fixtures are erected by them, and on the buildings, inclosures or fixtures for the price agreed upon, or compensation to be paid, and materials used in the construction thereof, unless there be an agreement in writing waiving the lien.

SEC. 2. *Be it further enacted*, That section 3102 of the Revised Code, which is as follows, to-wit : "The lien hereby created is effectual against the title or estate of the party contracting for the erection of buildings on the lands at the time the contract was made, whether it be a freehold or less estate, and whether the title be legal or equitable," be and the same is hereby amended so as to read as follows : The lien hereby created is effectual against the estate of the party contracting for the erection of the buildings, inclosures, or fixtures, on the land at the time the contract was made, whether it be a freehold or less estate, and whether the title be legal or equitable.

SEC. 3. *Be it further enacted*, That section 3104 of the Revised Code which is as follows, to-wit : "No lien under the provisions of this chapter can be enforced unless proceedings to enforce the same in equity, or an action at law upon the contracts is commenced within ninety days after the completion of the work or supply of materials," be and the same is hereby amended so as to read as follows : No lien under the provisions of this chapter can be

enforced unless proceedings to enforce the same in equity, or an action at law upon the contract is commenced within one year after the completion of the works, or supply of materials.

SEC. 5. *Be it further enacted*, That said sections 3101, 3102, and 3104, as they now stand, be and the same is hereby repealed.

Approved, April 19, 1873.

No. 70.

AN ACT

To amend section three thousand three hundred and twenty six of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section three thousand three hundred and twenty-six of the Revised Code of Alabama, which reads as follows, to-wit: "It must be filed in the district in which the defendants or a material defendant resides; and if to enjoin proceedings or judgments in other courts, it may be filed in the district in which such proceedings are pending or judgment rendered: and in case of non-residents in the district where the subject of the suit or any portion of the same is, when the cause of action arose, or the act on which the suit is predicated, was to be performed;" be and the same is hereby amended so as to read as follows, to-wit: It must be filed in the district in which the defendants, or a material defendant resides; and if to enjoin proceedings or judgments in other courts, it may be filed in the district in which such proceedings are pending or judgment rendered, and in case of non-residents, in the district where the subject of the suit or any portion of the same is, when the cause of action arose, or the act on which the suit is predicated was to be performed, or if real estate be the subject matter of the suit, then in the county where the same, or material portion thereof, is situated. Amendment.

Approved, March 17, 1873.

No. 71.]

AN ACT

To repeal section 3939 of the Revised Code of Alabama.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That section 3939 of the Revised Code of Alabama, be and the same is hereby repealed.

Approved, March 22, 1873.

No. 72.]

AN ACT

To amend section four thousand, two hundred and sixty-four (4264) of the Revised Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section four thousand two hundred and sixty-four (4264) of the Revised Code of Alabama, which is in the words and figures as follows, viz: "Section four thousand two hundred and sixty-four. To whom addressed where the person is confined in the county jail, or in any other place, on a charge of felony, or under a commitment for felony, the petition must be addressed to the judge of the city court or to the nearest circuit judge or chancellor, or to the probate judge of the county where the person is confined; and where the person (is) confined in the penitentiary, or under a sentence, judgment, decree or order of the Supreme court, the chancery court, the circuit court or the city court, the petition must be addressed to any one of them, or to the probate judge of the county, and where the person is confined in any other place than the county jail or penitentiary, and on any other than a criminal charge, it may be addressed to any justice of the peace of the county or to the probate judge thereof," be and the same is hereby amended, so as to read as follows; Section four thousand two hundred and sixty-four. *To whom addressed,* Where the person is confined in the county jail or any other place, on a charge of

felony or under a commitment, or an indictment for felony, the petition must be addressed to the judge of the city court or to the nearest circuit judge, or chancellor, or to the probate judge of the county, where the person is confined; and where the person is confined in the penitentiary, or under a sentence, judgment, decree, or order of the supreme court, the chancery court, the circuit court or the city court other than an indictment for felony, the petition must be addressed to the judge of the city court, or to the nearest circuit judge or chancellor; in all other cases it may be addressed to any one of them, or to the probate judge of the county; and when the person is confined in any other place than the county jail or the penitentiary, and on any other than a criminal charge, it may be addressed to any justice of the peace of the county or to the probate judge thereof.

Amendment.

SEC. 2. *Be it further enacted*, That said section four thousand two hundred and sixty-four (4264) of the Revised Code as it stood before the passage of this act be and the same is hereby repealed.

Approved March 29, 1873.

No. 73.]

AN ACT

To provide for substitution of records destroyed or lost by accident.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That, when in any suit pending in any of the courts of the State, the pleadings shall have been destroyed by fire or otherwise, or lost by accident, it shall be lawful for the plaintiff, if in a proceeding of a court of common law, to file a substitute summons and complaint as near as may be, similar to those which have been destroyed, and if the proceeding be in a court of equity, by bill or petition as near as may be, similar to the bill or petition which has been lost or destroyed, and thereupon the defendant shall be required by the court, before whom the cause is pending, to file pleas, or answers

Authority to
file substitute.

in the court of common law or equity, as the case may be, similar to the pleas, or answers filed in such cause, and the plaintiff shall be required to reply to such plea or answer, and to proceed until the lost or destroyed pleadings are all supplied.

Same force as original rec'ds

SEC. 2. *Be it further enacted,* That the pleadings so made up shall be, and are hereby constituted the pleadings and parts of the records in such causes having the same force and validity as if original records.

Approved April 18, 1873.

No. 74.]

AN ACT

To repeal an act entitled an act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed, approved February 7, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed, approved February 7, 1870, be and the same is hereby repealed.

Approved April 18, 1873.

No. 75.]

AN ACT

To supply the county of Calhoun with a tract book.

Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Secretary of State be and he is hereby authorized and required to employ some competent person to prepare a tract book of the entries of all lands in the county of Calhoun.

Compensation.

SEC. 2. *Be it further enacted,* That for the performance of the service required in the preceding section of this act, the person so employed shall be allowed not exceeding forty cents per record page,

and the Auditor is hereby required to draw his warrant on the State Treasurer in favor of said person for such sum as may be necessary to pay for the preparation of such tract book, upon the Secretary of State.

SEC. 3. *Be it further enacted*, That the blank book to be used for copying said entries shall be similar to the present tract books, and to be paid for as heretofore, upon the certificate of the Secretary of State out of the State Treasury, out of any money not otherwise appropriated, and the Secretary of State is hereby required to furnish such blank book to be paid for as aforesaid.

Style of blank book.

Approved, April 19, 1873.

No. 76.] AN ACT

To purchase and place over the Speaker's chair, in the House of Representatives, a portrait likeness of the Hon. Wm. R. King, late vice-President of the United States, and for many years a senator of the United States, from the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of three hundred dollars be and the same is hereby appropriated for the portrait likeness of the Honorable William R. King, to be placed over the Speaker's chair in the House of Representatives.

Appropriation of \$300.

SEC. 2. *Be it further enacted*. That the Auditor of public accounts is authorized and instructed to purchase said portrait, and to draw his draft upon the State Treasurer in favor of the seller for the amount agreed upon, and to make said purchase as early as practicable.

Auditor to purchase.

Approved April 23, 1873.

No. 77.] AN ACT

To provide that the office of general administrator may expire with the term of office of the judge who appointed him.

SECTION 1. *Be it enacted by the General assembly of Alabama*, That from and after the passage of this act the office of general administrator of any county shall expire with the expiration of the term of the judge by whom he was appointed, unless the succeeding judge shall continue him in office, which he may do, and the same bond, if otherwise sufficient, shall be good, and said administrator and sureties bound thereon.

Approved, April 23, 1873.

No. 78.]

AN ACT

To protect the owners of stock on the line of railroads in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, that whenever any horse, mule, cattle, sheep, goats, jack or jenny, are killed or injured by any railroads in this State, it shall be the duty of three disinterested citizens along the line of the railroad to be selected by the section master of the section upon which the stock was so killed, or injured, to appraise the value of the stock so killed or injured, and return the same to the chief officer of said company, together with the name of the owner of the same.

SEC. 2. *Be it further enacted*, That it shall be the duty of such railroad company to cause payment to be made for the stock so killed or damaged, at a depot or office of such company in the county where such damage or killing occurred, or to pay the expenses of the owner of the property in going to and returning from the general office of such company, for the purpose of collecting the same.

Approved, April 23, 1873.

No. 79.]

AN ACT

To define the rights of the father to the custody of his child or children, when he is abandoned by the mother to whom he is legally married.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, any father legally married to the mother of his child or children, shall be entitled to the custody of such child or children, in case such father is abandoned by the mother of such child or children, as soon as such child or children shall have attained the age of seven years; *Provided*, Such father is a suitable person to have the charge of such child or children. This statute shall be liberally construed.

Approved, April 23, 1873.

No. 80.]

AN ACT

To exempt certain persons from working on public roads in this State.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That the following persons are exempt from working our public roads in this State, in addition to the exemptions now allowed by law, to-wit; All maimed or disabled persons, from any cause whatever; *Provided*, Such maimed or disabled persons shall procure a certificate of such disability from some licensed practicing physician.

Maimed or disabled persons.

Approved, March 28, 1873.

No. 81.]

AN ACT

To provide for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida and the Congress of the United States.

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That the sum of one million dollars in coupon bonds of the State of Alabama, of not less than one

One million dollars appropriated.

Description of
cession.

thousand dollars each, payable in thirty years after the date thereof, bearing eight per cent. interest per annum, payable semi-annually at the office of the State Treasurer in the city of Montgomery, be and the same are hereby appropriated and are to be paid to the lawful constituted authorities of the State of Florida as a consideration and compensation, to said State, for the cession by said State, to the State of Alabama of all the soil and jurisdiction, now held by the State of Florida, into and over that portion of the territory of the State of Florida, lying and being west of thread of the Chattahoochie and Apalachicola rivers and west of a line running due south from the thread of the mouth of the Apalachicola, bending west so as to pass between the islands of St. George and St. Vincent, known and called West Florida, including the lands belonging to, and heretofore by, the State Florida, within the district of country above described, whether of seminary school, sixteenth sections, internal improvements, swamps and overflowed, together the five per cent. arising from the sales of the United States land, lying west of the rivers above mentioned, accruing after the cession of said territory, and guaranteeing to the State of Alabama full and complete title thereto, with indemnity for all loss the State of Alabama may sustain, growing out of any adverse claim or claims which may be set up thereto. *Provided*, That this sum shall be paid by this State and accepted by the State of Florida, in full satisfaction of the share or proportion, falling to West Florida, of the public debt of the State of Florida, and the State of Alabama shall in no wise nor to any extent be responsible for any portion of said public debt of the State of Florida by reason of said purchase.

Proviso.

Governor to
appoint com-
missioners.

SEC. 2. *Be it further enacted*, That the Governor be and heis hereby empowered to appoint three commissioners on the part of the State of Alabama to tender to the lawful authorities of the State of Florida the aforesaid bonds of this State in consideration of the cession aforesaid, and that the said commissioners be, and they are hereby authorized and empowered in behalf of this State, to make the tender aforesaid, and to do and perform all the acts and things which may

be requisite and necessary to perfect and consummate the cession of the territory aforesaid, by the State of Florida to Alabama, and the delivery by the State of Alabama to the State of Florida of the bonds aforesaid in compensation for said cession. *Provided*, That said commissioners be, and they are hereby limited and restricted to the tender of the sum of one million dollars, in the first section of this act mentioned and set forth. *And provided further*, That upon the acceptance by the State of Florida of the tender aforesaid, and the ratification by the Congress of the United States of the act of cession as aforesaid, the cession herein provided, shall be complete, and the bonds of the State, hereinbefore mentioned, shall be executed and delivered by the authorities of the State of Alabama to the State of Florida in full satisfaction and compensation of the cession of the territory aforesaid.

Commissioners
restricted.

When session
complete.

SEC. 3. *Be it further enacted*, That the sum of three thousand dollars, or as much thereof as may be necessary, be and the same is hereby appropriated to pay the expenses of said commission, to be paid out of the treasury on the warrant of the Auditor, to be issued upon the order of the Governor.

Appropriation
for necessary
expenses.

Approved March 27, 1873.

No. 82.]

AN ACT

To define and punish the crime of burglary in railroad cars.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who in the night or day time, with the intent to steal or to commit a felony, breaks into and enters any railroad car upon or connected with any railroad in this State in which any goods, merchandise, or other valuable thing is kept for use, deposit or transportation as freight, is guilty of burglary, and must on conviction be imprisoned in the penitentiary for not less than two, nor more than four years.

Approved April 19, 1873.

No. 83.]

AN ACT

To prevent the wanton destruction of fish in this State.

Preamble.

WHEREAS, The fish in the waters of the State of Alabama have been wantonly destroyed, and especially in the Tennessee river and its tributaries; therefore,

Unlawful to net or poison fish.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person to take fish by nets, or to poison fish in said Tennessee river and its tributaries in the State of Alabama.

Penalty.

SEC. 2. *Be it further enacted*, That any person convicted before any court of competent jurisdiction, of a violation of this act, shall be punished by fine not to exceed fifty dollars, and the costs of suits, one half of the fine in all cases shall go to the informant, and the balance to be paid into the common school fund of the township in which the offense was committed, for the benefit of the common school of such township; *Provided*, That the word nets, where it occurs in the bill, shall not be so construed as to mean seines.

Proviso.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Approved April 21, 1873.

No. 84.]

AN ACT

To supply justices of the peace and notaries public with forms of proceedings.

Preamble.

WHEREAS, By virtue of an act approved March 1st, 1871, a number of copies of the Alabama compendium of forms was purchased by the Secretary of State for distribution among the justices of the peace and notaries public of the State; and, Whereas, Said number so purchased was insufficient to supply said officers; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Secretary of State is hereby authorized and it is made his duty to purchase of Messrs. Gibson & Storrs, seven hundred and fifty copies of the said Alabama compendium of forms, at a rate not to exceed two dollars per copy, and upon his certificate of the number of copies actually delivered to him, the Auditor shall draw his warrant upon the Treasurer for the amount in favor of the said Gibson & Storrs.

Duty of secretary of state to purchase 750 copies.

SEC. 4. *Be it further enacted,* That said copies of said book shall be distributed among the counties of the State, by the Secretary of State, *pro rata*, according to the number of justices of the peace and notaries public in each county, who are unsupplied therewith.

How distributed.

Approved, April 23, 1873.

No. 85.]

AN ACT

To provide for the necessary repairs to be made in the Capitol building.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of two thousand dollars, or so much of said sum as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for such repairs as His Excellency the Governor may deem proper to be made or done on the Capitol building.

Two thousand dollars appropriated.

SEC. 2. *Be it further enacted,* That the Governor of the State of Alabama is hereby authorized to draw his warrant upon the Treasurer of the State for such amount as he may find necessary to be expended in carrying out the provisions of the first section of this act, not to exceed the amount appropriated.

Governor may draw his warrant.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 29, 1873.

No. 86.]

AN ACT

To encourage the construction and operation of telegraph lines in the State of Alabama.

Authority to all companies.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any telegraph company chartered or incorporated by this or any other State, shall have the right to construct, maintain and operate lines of telegraph along any of the railroads or other public highways in the State of Alabama ; but such lines of telegraph shall be so constructed and maintained as not to obstruct or hinder the usual travel on such railroad or other highway.

Right of way.

SEC. 2. *Be it further enacted,* That such telegraph company shall have power to contract with any persons or corporation, the owner of any lands or of any franchise or easement therein, over which such telegraph line is proposed to be erected for the right of way for planting, repairing and preservation of its telegraph poles, and for the erection and occupation of offices, at suitable distances for the public accommodation.

Compensation to be paid for right of way.

SEC. 3. *Be it further enacted,* That such telegraph company shall be entitled to the right of way over the lands, franchises, and easements of other persons and corporations, and the right to erect poles and to establish offices, upon making just compensation, as now provided by law.

Approved, April 4, 1873.

No. 87.]

AN ACT

To punish parties carrying concealed about their persons brass knuckles, slung shots, or weapons of like kind or description.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person who carries concealed about his person brass knuckles, slung shot, or either weapon of like kind or description, shall, on conviction thereof, be fined not less than twenty

nor more than two hundred dollars, and may also, at the discretion of the court trying the case, be imprisoned in the county jail, or sentenced to hard labor for the county for a term not exceeding six months.

Approved April 8, 1873.

No. 88.] AN ACT

To distribute certain copies of Brickell's Digest.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Secretary of State is hereby required to furnish one copy of Brickell's Digest to each judge of a city court or criminal court of any county of this State, in addition to those heretofore authorized to be distributed by him.

Approved, April 8, 1873.

No 89.] AN ACT

For the protection of sheep.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That any person who owns, or has in his possession or under his control, any dog known to worry, or kill sheep, and suffers such dog to run at large, shall be guilty of a misdemeanor, and on conviction therefor shall be fined not more than fifty dollars.

Approved April 8, 1873.

No. 90.] AN ACT

To authorize the collection of debts for labor and services rendered for the benefit of trust estates.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all cases in which any per-

A charge upon
trust estate.

Proviso.

or persons have rendered any labor or service for any trust estate, upon any employment for that purpose by the acting executor, administrator or other trustee of such trust estate, and which labor and service was done and performed for the benefit of said trust estate, and the benefits of which labor and service have been received and enjoyed by said trust estate, and said executor, administrator or other trustee, shall have died, become insolvent, resigned or been removed from such office of executor, administrator or other trustee, and in either event, said labor and service shall remain unpaid for either in whole or in part, the amount thereof remaining due and unpaid, shall be a charge upon said trust estate, as a part of the expense of administering the same, and shall be paid out of said trust estate, according to such priority, and shall be recoverable by an action at law against the legal representative of said trust estate, whoever the same may be at the time of the institution of said action at law, and the judgment rendered in said action at law, shall be against said legal representative, but to be levied and satisfied out of said trust estate; *Provided, however,* That the provisions of this act, shall not apply to the case of an executor in his or her own wrong, nor is it the intention of this act to revive any debts or claims, which may now be barred by the statute of limitations.

SEC. 2. *Be it further enacted,* That the provisions of this act shall in like manner apply to all cases of a like description, which may or shall arise in the future.

Approved April 8, 1873.

No. 91.]

AN ACT

To provide for the payment of the Board of Regents of the State University.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the board of regents of the State University are entitled to the same rate of

mileage for the distance it was necessary for them to travel in attending a meeting of said board, at the University, on the 10th (tenth) day of June A. D., 1871, as they are entitled to as members of the board of education. Mileage.

SEC. 2. *Be it further enacted*, That the Auditor is hereby authorized to draw his warrant on the Treasurer in favor of each of said board of regents for the sum due, as provided for in section one of this act. Auditor to draw warrants.

SEC. 3. *Be it further enacted*, That each member of said board of regents shall make affidavit to the number of miles it was necessary for him to travel, by the most direct route, to reach the State University, to attend said meeting, and file the same with the Auditor before he shall draw his warrant provided for in section two of this act. Proof of mileage.

Approved April 9, 1873.

No. 92.]

AN ACT

To prevent the hiring out of convicts beyond the limits of the county in which they are convicted.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any of the authorities of any county of the State to hire out any prisoner sentenced to hard labor for the county, beyond the limits of the county wherein such prisoner was convicted. No hiring beyond limits of the county.

SEC. 2. *Be it further enacted*, That all persons convicted of crime in any county, and sentenced to hard labor for said county, shall perform said labor within the limits of said county. Labour limited to county.

SEC. 3. *Be it further enacted*, That any officer violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than two hundred dollars, at the discretion of the Jury trying the same. Penalty for violation.

Approved, April 10, 1873.

No. 98.]

AN ACT

To prevent frauds in weighing and sampling of cotton and to regulate the same.

Limit to six
ounces.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, that on and after the passage of this act no more than six ounces of cotton shall be taken from any bale of cotton under pretext of sampling the same.

When to be
taken.

2. After the sale of the cotton, and after the same has been weighed and the weight thereof has been ascertained and agreed on, the buyer may take from the bale at his own loss six ounces more of cotton, for comparison with the sample by which he bought, but if he should sample or authorize any other party or parties to sample any bale of cotton before the weights are agreed upon between him and the seller, then both he and the party so sampling shall be liable to the penalties of this act.

Penalty attaches for more than six ounces

3. If under any pretext of sampling cotton any person shall take, or shall command, or knowingly permit another to take more cotton from a bale than is herein provided for, he shall be subject to the penalties of this act.

No cotton to be removed after sale until weighed.

SEC. 2. *Be it further enacted*, That it shall not be lawful, under any pretext of the necessity for concentrating, re-sampling or re-weighing, or under any other pretext whatsoever, for any cotton to be removed from the place where it may be when sold, until the weight thereof shall have been ascertained; and any person who shall remove, or command, or knowingly permit another to remove the same from the place where it may be when sold, before the weight thereof shall have been ascertained and agreed on, shall be subject to the penalties of this act.

Nothing but money for sampling.

SEC. 3. *Be it further enacted*, That it shall not be lawful for any person engaged in buying or selling cotton in this State to pay or contract to pay for sampling cotton any other than a consideration in money, to be paid in lawful money of the United States.

SEC. 4. *Be it further enacted*, That any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense, one half of which fine shall go to the informer; and the solicitor shall be entitled to a fee of one hundred dollars for each conviction. Pennity for violations.

SEC. 5. *Be it further enacted*, That in any proceeding for the violation of this act, it shall not be necessary to allege or prove the ownership of the cotton. Not necessary to allege ownership.

SEC. 6. *Be it further enacted*, That this act shall not be held to prevent the absolute owners of cotton from sampling their own cotton when in their actual possession in any manner they may please. Owners may sample their own cotton.

Approved, April 10, 1873.

No. 94.] AN ACT

To increase the pay of Bailiffs.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter all bailiffs shall receive two dollars per day for each day's attendance on the circuit, city, criminal or probate courts in this State, the money to be paid out of the juror funds, in the same way jurors are paid.

Approved, March 19, 1873.

No. 95.] AN ACT

To declare Burnt Corn creek, Murder creek, Little Escambia creek, Sepulga river and Conecuh river, in the counties of Conecuh and Escambia, public highways for all the purposes of floating timber, lumber, and logs upon their waters.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Burnt Corn creek, Murder

creek, Little Escambia creek, Sepulga river and Conecuh river, in the counties of Conecuh, and Escambia, be, and they are hereby made, constituted and declared to be public highways for all the purposes of floating and rafting lumber, logs and timber upon their waters.

Approved April 19, 1873.

No. 96]

AN ACT

To facilitate the business of sawing lumber on the Coosa river, between Greensport, Alabama, and the Georgia State line.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person owning lands on the banks of the Coosa river, between Greensport, Alabama, and the Georgia State line, or who are engaged in the sawing of lumber or furnishing saw logs, are authorized to erect or build in said river or stream a pier, boom or mole, not exceeding fifty feet from low water mark, for the purpose of facilitating the sawing of lumber: *Provided,* Such pier, boom or mole does not obstruct the navigation of said stream.

Approved March 17, 1873.

No. 97.]

AN ACT

To pay certain witnesses in contested election cases from Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That upon the certificate of the clerk, approved by the Speaker of the House of Representatives, the Auditor be and he is hereby required to draw his warrant upon the Treasurer for thirty-three dollars each in favor of the following named persons, to-wit: D. M. Talliaferro, H. A. Mounier, William Mathews, J. H. Bohanan, the

same being for mileage and witness fees in the contested election cases from Marengo county, and in favor of M. G. Candee, acting Sergeant-at-Arms, for the sum of sixty dollars, the same being for expenses in summoning witnesses in said case.

Approved February 28, 1873.

No. 98.] AN ACT

To prevent the selling, giving, or delivering of vinous, fermented or spirituous liquors to persons who are, or who are reputed to be of unsound mind.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person who keeps vinous, a fermented or spirituous liquors for sale, whether a licensed retailer or not, and who shall knowingly sell, give or deliver any of such liquors to any person who is, or who is reputed to be of unsound mind, shall be deemed guilty of a misdemeanor.

Approved April 8, 1873.

No. 99.] AN ACT

To change the line between the counties of Barbour and Russell.

SECTION 1. *Be it enacted by the General assembly of Alabama,* That the county boundaries of the counties of Barbour and Russell in this State be so changed as to include one hundred and seventy acres in section thirty-four, township thirteen, range twenty-nine, now part and parcel of the estate of Jesse Lee, of Barbour county, within the boundaries of barbour county, instead of Russell county, as now prescribed by law.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage, all laws and parts of laws to the contrary notwithstanding.

Approved March 15, 1873.

No. 100.]

AN ACT

To change the county line between the counties of Clay and Randolph.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county line between the counties of Clay and Randolph, be and it is hereby changed, so as to include the west half of west half, northwest quarter and southeast quarter, northwest quarter and southwest quarter, section six, township twenty, range ten, in the county of Clay.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 17, 1873.

No. 101.]

AN ACT *

To change the boundary line between the counties of Shelby and Baker.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the boundary line between the counties of Shelby and Baker be and the same is hereby changed as follows, to-wit: Commencing at a point on the south and west bank of Wana-hatchie creek, where the line between said counties crosses said creek, thence down the south and west bank of said creek to the Coosa river.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved, April 23, 1873.

No. 102.]

AN ACT

To authorize the Masonic Temple Association of Alabama to borrow money.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Masonic Temple Association of Alabama is authorized to borrow money, to be used in the construction and completion of the Masonic Temple in the city of Montgomery, Alabama, and any contract made by the directors of the said Masonic Temple Association of Alabama, whether in or out of this State, for the loan of said money at a rate of interest not exceeding ten per cent. per annum, shall be legal, and be enforced as to principal and interest according to the terms agreed upon.

Approved, February 7, 1873.

No. 103.]

AN ACT

To enable the Memphis and Charleston railroad company to pay off and discharge its floating debt.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the directors of the Memphis and Charleston railroad company be and are hereby authorized and empowered to issue its income bonds to an amount not exceeding one million of dollars, in such denominations as shall be most convenient, payable at any time not exceeding ten years from their date, bearing an annual interest not exceeding ten per centum, and as security for the payment of the principal and interest on said bonds, the said board shall have full power and authority to pledge and convey by mortgage or deed of trust the annual rentals and profits of said road.

Approved, February 28, 1873.

No. 104.]

AN ACT

To authorize the chancellor of the western chancery division, 4th district, at a court to be held for Sumter county, to ratify and confirm the sale made by J. J. Little to C. M. A. Rogers, of his interest in certain partnership lands, and to authorize the chancellor aforesaid to order the administrators of J. J. Little to make title to the same.

Preamble.

WHEREAS, C. M. A. Rogers and J. J. Little, of Sumter county, held and owned a valuable tract of land in said county as copartners, and

WHEREAS, The said J. J. Little, in his lifetime sold his interest to said C. M. A. Rogers, and

WHEREAS, The said J. J. Little died before executing the necessary conveyance to said land to said Rogers, and

WHEREAS, It would be to the interest of the estate of said J. J. Little to carry into effect the sale so made to said Rogers ; therefore,

Authority to ratify a certain sale.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancellor for the western chancery division, 4th district, at a court to be held for Sumter county, be and he is hereby authorized to ratify and confirm the sale made by J. J. Little to said C. M. A. Rogers, of his interest in said lands, upon satisfactory proof that it would be to the interest of the estate of J. J. Little so to do, and upon the said C. M. A. Rogers complying with the terms of said sale.

Upon payment title to be made

SEC. 2. *Be it further enacted*, That Upon the payment of all the purchase money due thereon by said C. M. A. Rogers, the chancellor aforesaid is authorized and empowered to order F. P. Snedecor and W. G. Little, jr., administrators of J. J. Little, deceased, or their successors, to make to said C. M. A. Rogers a conveyance of their intestate's interest in said land, which conveyance, when made by the order of the chancellor, shall have the effect to vest all the title that J. J. Little had to said land in the said C. M. A. Rogers.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening this act be and the same are hereby repealed.

Approved, April 2, 1873.

No. 105.] AN ACT

To repeal an act to aid in opening and clearing out the Big Escambia Creek.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to aid in opening and clearing the Big Escambia Creek, approved February 24th, 1871, be and the same is hereby repealed.

Approved Dec. 21, 1872.

No. 106.] AN ACT

To repeal an act entitled an act "to suppress murder, lynching, assaults and batteries," approved December 28th, 1868, so far as the same relates to the counties of St. Clair and DeKalb.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to suppress murder, lynching, and assaults and batteries, approved December 28th, 1868, be and the same is hereby repealed, so far as said act relates to the counties of St. Clair and DeKalb.

Approved March 17, 1873.

No. 107.] AN ACT

To repeal an act requiring the justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Alabama,* That an act entitled an act requiring the justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads, approved February 26, 1872, be and the same is hereby repealed.

Approved March 26, 1873.

No. 108.]

AN ACT

To repeal an act entitled an act requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16th, 1871, so far as relates to the county of Cleburne.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act requiring the justices of the peace of Cleburne and Chambers counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16th, 1871, be and the same is hereby repealed, so far as relates to the county of Cleburne.

Approved March 14, 1873.

No. 109.]

AN ACT

To increase the per diem of the county commissioners of the counties of Henry, Barbour, Wilcox and Washington.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the members of the court of county commissioners of the counties of Henry, Barbour, Wilcox and Washington, shall be entitled to pay for their services as such commissioners, at the rate of four dollars and fifty cents per day, and the same amount of mileage now allowed by law, any law in the State to the contrary, notwithstanding.

Approved March 14, 1873.

No. 110.]

AN ACT

To repeal an act entitled an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, approved February 1, 1872, be and the same is hereby repealed, so far as relates to Marshall and Limestone counties.

Approved, April 23, 1873.

No. 111.]

AN ACT

To limit and define the *ex-officio* fees of the judge of probate, sheriff and circuit clerk of the counties of DeKalb and Covington.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the judge of probate and sheriff of the counties of DeKalb and Covington shall be allowed one hundred dollars each as *ex-officio* fees, and no more, to be paid in lieu of the *ex-officio* fees allowed in section three thousand five hundred and seventeen, and three thousand five hundred and eighteen of the Revised Code of Alabama, and the said circuit clerks of said counties of DeKalb and Covington shall be allowed fifty dollars and no more, as *ex-officio* fees allowed in section three thousand five hundred and fourteen of Revised Code of Alabama.

SEC. 2. *Be it further enacted*, That the fees allowed in section one of this act, shall be a special claim upon the county treasurers of said counties of DeKalb and Covington, for which the commissioners court of said counties shall make a special appropriation from the treasury of said county to pay said fees.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in controversion of this act, be and the same are hereby repealed, as far as the same relates to the counties of DeKalb and Covington.

Approved, March 17, 1873.

No. 112.]

AN ACT

To authorize the commissioners court of Pike and Madison counties to pay certain claims therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Madison county is authorized on the application of Mrs. Mary A. G. Leftwich of said county to pay her an account due her for trial at the spring term, 1872, the case of the State against William L. Paris, charged with murder, pending in the circuit court of said county; *Provided*, the provisions of this act shall apply so as to authorize the commissioners court of Pike county to audit and allow a similar claim in behalf of John F. Rhodes, of said county, upon his presenting the same to said court, setting forth the case or cases pending in the circuit court of Pike county, at the time of furnishing the board and lodging to the jury, specifying all the items of charges, with the dates thereof, and verified by affidavit.

Approved March 15, 1873.

No. 113.]

AN ACT

To regulate the keeping of records in the probate courts of Green and Jackson counties.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That from and after the passage of this act, it shall be the duty of the probate judges of Greene and Jackson counties to keep a well-bound.

record book, in which they shall register all mortgages, liens, and other contracts required to be registered, separate and apart from the records of deeds for the conveyance of real estate.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be and the same is hereby repealed.

Approved, March 19, 1873.

No. 114.] AN ACT

To repeal section 1374 in Act 1, of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee, and Madison.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That section 1374 in Act 1, of the Revised Code of Alabama, be and the same is hereby repealed, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee, and Madison.

Approved, April 19, 1873

No. 115.] AN ACT

To require all parties holding claims on the county treasurers of DeKalb and Blount counties to have them re-registered within twelve months from the passage of this act.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person or persons holding claims against the counties of DeKalb and Blount, are hereby required to have said claims re-registered within twelve months from the passage of this act, or said claims shall be forever barred.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved April 19, 1873.

No. 116.]

AN ACT

To regulate the fees of notaries public and justices of the peace for Talladega, Perry, Washington, Marengo, Greene, Elmore, Pike and Hale counties, and to provide for the payment of the same in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act notaries public and justices of the peace, in and for the counties of Talladega, Perry, Washington, Marengo, Greene, Elmore, Pike and Hale, shall be and hereby are entitled to receive the following fees, in civil and criminal cases and proceedings, to-wit :

FEES IN CIVIL CASES.

For summons and proceedings thereon to judgment, one dollar.

For warrant in *quitam* cases and proceedings thereon to judgment, one dollar.

For subpoena, for each witness, twenty-five cents.

For execution and taxing cost thereon, seventy five cents.

For attachment bond and affidavit, one dollar and fifty cents.

For each writ of attachment, fifty cents.

For summoning garnishee and taking examination, one dollar.

For entering each judgment, twenty-five cents.

For each order of sale, fifty cents.

For each *venire facia*, one dollar.

For each appeal, or *certiorari*, including bond and certificate of proceedings, one dollar.

For every other bond, fifty cents.

For administering an oath and certifying the same, fifty cents.

For every certificate, not otherwise provided for, fifty cents.

For each judgment on summary proceedings, one dollar.

For judgment on forthcoming, stay, or replevin bond, fifty cents.

For attending trial of right of property, one dollar and fifty cents.

For each scire facias, or notice in the nature thereof, fifty cents.

For making return of certiorari, other than in cases of forcible entry and detainer, and of unlawful detainer, fifty cents.

For every summons, in cases of forcible entry and detainer and of unlawful detainer, seventy-five cents.

For presiding on trial, one dollar and fifty cents.

For administering oath or affirmation, ten cents.

For entering judgment, twenty-five cents.

For each writ of restitution, twenty-five cents.

For return or appeal or certiorari, one dollar.

For docketing each cause in any case, ten cents.

FEEES IN CRIMINAL CASES.

For each complaint, fifty cents.

For warrant of arrest, seventy-five cents.

For search warrant, one dollar.

For each bond or undertaking of accused, seventy-five cents.

For each bond or undertaking of witness, twenty-five cents.

For each subpoena, twenty-five cents.

For commitment of defendant to jail, fifty cents.

For each order of continuance, twenty-five cents.

For certifying costs to circuit, city or county courts, fifty cents.

For each execution for costs, fifty cents.

For certifying proceedings or appeal, seventy-five cents.

For each judgment on forfeited bond or undertaking, fifty cents.

For each trial of offence, two dollars.

For each preliminary examination, two dollars.

Approved April 19, 1873.

No. 117.]

AN ACT

In relation to the fine and forfeiture fund of Tuscaloosa county and other counties therein named.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That all fines and forfeitures, assessed or imposed by any court in the counties of Tuscaloosa, Russell, Dallas, Choctaw, Lowndes, Cherokee, Calhoun, Etowah, Blount, Barbour, Chambers and Colbert, shall be collected by the officer whose duty it is to make such collections, in lawful money of the United States alone.

To be paid in lawful money.

SEC. 2. *Be it further enacted,* That all sums of money received by any officer of said counties for and on account of the hire of persons sentenced to hard labor for said counties, shall constitute a part of the fine and forfeiture fund, and shall be paid over to the treasurer of said counties, which said fund shall be expended as hereinafter provided.

Certain other monies added to said fund.

SEC. 3. *Be it further enacted,* That all claims against the fine and forfeiture fund of said counties shall be paid by the county treasurers, out of said fund, in the order in which the said claims have been registered.

Claims paid in order of registration.

SEC. 4. *Be it further enacted,* That all laws and parts of laws conflicting with or in any wise contravening the provisions of this act be and the same are hereby repealed.

Approved, March 27, 1873.

No. 118.]

AN ACT

To fix the time and place of holding the chancery courts in the districts composed of the counties of Barbour, Henry, Dale and Bullock, of the eastern chancery division of the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the chancery court for the ninth district, composed of the county of Barbour, of the eastern chancery division of Alabama, shall

Barbour.

be held in the city of Eufaula, in said district, on the first Monday after the fourth Monday in March and September of each and every year, and continue one week; *Provided*, That the register of said court shall be allowed to keep the books, papers and records of every kind pertaining to said court in his office at Clayton in said district, except during the sitting of said court. Proviso.

SEC. 2. *Be it further enacted*, That the chancery court for the district composed of the county of Henry, of the eastern chancery division of Alabama, shall be held in the town of Abbeville, in said district, on the second Monday after the fourth Monday in March and September of each and every year, and continue four days. Henry.

SEC. 3. *Be it further enacted*, That the chancery court for the district composed of the county of Dale, of the eastern chancery division of Alabama, shall be held in the town of Ozark, in said district, on Friday after the second Monday after the fourth Monday in March and September of each and every year, and continue two days. Dale.

SEC. 4. *Be it further enacted*, That the chancery court for the district composed of the county of Bullock, of the eastern chancery division of Alabama, shall be held in the town of Union Springs, in said district, on the third Monday in March and September of each and every year, and continue until the business is disposed of. Bullock.

SEC. 5. *Be it further enacted*, That the chancellor of said eastern chancery division of Alabama be and he is hereby authorized and required to designate the numbers of the district composed of the counties of Henry, Dale and Bullock, by orders entered in writing upon the minutes of the court of each of said districts, at the first term of such court held after the passage of this act. Number of districts to be designated by the chancellor.

SEC. 6. *Be it further enacted*, That this act shall not apply to the spring terms of said chancery courts, to be held in 1873. But said spring terms shall be held under the law regulating the terms of said courts before the passage of this act. Not apply to spring term of 1873.

SEC. 7. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved March 22, 1873.

No. 119.]

AN ACT

To fix the time of holding the chancery court for the second district of the western chancery division of Alabama, composed of the county of Choctaw.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That two terms of the chancery court for the second district of the western chancery division, composed of the county of Choctaw, shall be held annually; the first term to commence on the fourth (4th) Monday in may, and may continue three (3) days; the second term to commence on Thursday after the second Monday in November, and may continue three days.

SEC. 2. *Be it further enacted*. That all laws in conflict with the provisions of the foregoing act, be and they are hereby repealed.

Approved April 10, 1873.

No. 120.]

AN ACT

To fix the time of holding the chancery court for the ninth district of the western chancery division of Alabama, composed of the county of Hale.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That two terms of the chancery court for the ninth district of the western chancery division of Alabama, composed of the county of Hale, shall be held annually; the first commencing on the 4th Monday after the 4th Monday in May, and may continue six days; and the second, on the 2d Monday in December, and may continue three days.

SEC. 2. *Be it further enacted,* That all laws or parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved March 22, 1873.

No. 121.] AN ACT

To authorize and empower John W. Leslie, judge of probate of Monroe county, to exercise jurisdiction over the estate of James M. Davison, Sr., deceased, notwithstanding his relationship to the deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That John W. Leslie, probate judge of Monroe county, be and he is hereby empowered to take jurisdiction of the estate of James M. Davison, Sr., deceased, and to grant letters of administration and to make all such orders and decrees as may be necessary in the administration and settlement of said estate, notwithstanding his relationship to the deceased.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 4, 1873.

No. 122.] AN ACT

To authorize the assessment and the collection of the tax upon the lands belonging to Walter H. McDaniel, by the tax assessor and collector of the county of Bibb, and exempt the same from the assessment and collection of tax in the county of Perry.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the lands belonging to Walter H. McDaniel, of the county of Bibb, and situated near the line between the counties of Bibb and

Perry, shall be assessed for tax, and the tax thereon collected in the county of Bibb, and said lands exempt from taxation in the county of Perry.

Approved, April 15, 1873.

No. 123.]

AN ACT

To declare Elbert H. Sawyer, of the county of Baker, a citizen of the county of Shelby.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Elbert H. Sawyer, now a citizen of the county of Baker, be and he is hereby made and declared to be a citizen of the county of Shelby, and the taxes upon the property, both real and personal, belonging to said Elbert H. Sawyer, shall be assessed and collected by the assessor and collector of said county of Shelby, and exempt from taxation in said county of Baker.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved April 23, 1873.

No. 124.]

AN ACT

To prohibit the burning of any woods within five miles of the coaling grounds of any iron company within the limits of the counties of Jefferson and Tuscaloosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person to burn or set fire to any woods within five miles of the coaling grounds of any iron company, making iron, or preparing to make the same, within the limits of the counties of Jefferson and Tuscaloosa, unless the consent of such company be obtained thereto.

Offense.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of the foregoing section of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding five thousand dollars, and may be imprisoned in the county jail not exceeding ninety days, at the discretion of the court trying the same. Penalty.

SEC. 3. *Be it further enacted*, That for the conviction of each defendant, under the provisions of this act, the solicitor shall be entitled to a fee of twenty dollars, to be taxed as costs against such defendants, and collected as in other cases of misdemeanors; *Provided*, That this act shall not apply to teamsters. Solicitor's fee.

Approved March 28, 1873.

No. 125.]

AN ACT

To authorize and empower John H. Blacklidge, administrator of the estate of Salem W. Blacklidge, deceased, to sell certain lands therein described at private sale.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That John H. Blacklidge, administrator of the estate of Salem W. Blacklidge, deceased, be and he is hereby authorized and empowered to sell a part of the land belonging to said estate described as follows, at private sale, to-wit: The southwest one quarter section, sixteen, township seven, range thirteen, west of Huntsville, for cash, for the purpose of paying off the debts of said estate, and for distribution among heirs, without an order of court, so as to vest the title in the purchaser or purchasers as fully as if sold in accordance with the statutes now in force in Alabama; *Provided*, That any sale made under the provisions of this act, shall be governed by sections two thousand and ninety-one, and two thousand and ninety two of the Revised Code of Alabama.

Approved April 23, 1873.

No. 126.]

AN ACT

For the relief of Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce of the county of Marengo, Alabama.

WHEREAS, Augustus J. Pearce, late of the county of Perry, Alabama, departed this life, leaving heirs surviving, his widow, Eleanor E. Pearce and Augustus C. Pearce, Margaret Pearce, Eleanor Pearce and Joseph Pearce, as his only children and heirs at law, all of whom are under fourteen years of age and reside with their mother, the said Eleanor E., in said county of Marengo; and, whereas, the said Augustus J., at the time of his said death was seized of the following real estate lying in the county of Hale in said State, to-wit; One undivided seventh of the west half of the southwest quarter; west half of the southeast quarter: the east half of the southwest quarter; the east half of the northwest quarter; the west half of the northeast quarter and the west half of the northwest quarter of section 24; the northeast quarter; the east half of the southeast quarter, and west half of the southeast quarter of section 23, all in township 18, range 5 east, comprising all the real estate of which he died seized and possessed; and, whereas, his said children, are in law, with their said mother entitled to a *homestead* out of the said undivided one seventh of said land; and, whereas, their said interest therein cannot be divided and set apart to them; and whereas, the said Augustus C., Margarat, Eleanor and Joseph, have no other means for their support, and it is to their advantage, that their said interest in said land be sold, and proceeds of such sale be applied to their maintenance, and support. Therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the said Eleanor E. Pearce, the mother of said children, be, and she is hereby authorized and empowered to sell said interest of said Augustus C., Margaret, Eleanor and Joseph in said real estate, in such manner and on such terms as she may deem best.

Authority to
sell.

SEC. 2. *Be it further enacted*, That on the payment of all the purchase money for such interest, so sold as aforesaid, the said Eleanor E., be, and she is hereby authorized and empowered to convey by a deed executed by her to such purchaser all of the right, title and estate of the said Augustus C. Pearce, Margaret Pearce, Eleanor and Joseph Pearce, minors as aforesaid in and to said real estate, and such conveyance shall hereby vest such purchaser, with full and complete title to the interest of the said Augustus C., Margaret, Eleanor and Joseph as aforesaid, against all persons whatever claiming under, by or through them, or either of them.

Approved April 9, 1873.

When titles to be made.

No. 127.]

AN ACT

To authorize Marion C. Hays, widow of James C. Hays, deceased, to sell certain real estate.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Marion C. Hays, widow of James C. Hays of Marshall county, deceased, be, and she is hereby authorized and empowered to sell at public or private sale, the lot or parcel of land in Guntersville, in said county, which was assigned and set apart to her and her children, by decree of the probate court of said county, as exempt property for the homestead, and report the same to the probate judge of said county.

Authority to sell.

SEC. 2. *Be it further enacted*, That the probate judge of said county shall thereupon select three disinterested householders of said county, who shall appraise, on their oaths, the value of said real estate, and report the same to said judge and if the same real estate has been sold for such amount or more, then said probate judge shall confirm said sale and order and decree the said Marian C. Hays to make a title deed in fee simple to the purchaser of said real estate property, which shall vest a good and complete title to said real property in fee simple to said purchaser.

Appraisers to be appointed.

Approved Feb'y 18, 1873.

No. 128.]

AN ACT

For the relief of Mrs. Eliza Belt, administratrix of the estate of Thomas W. Belt and to enable her to sell lands.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Mrs. Eliza Belt of the county of Baldwin, administratrix of the estate of Thomas W. Belt, deceased, be authorized to sell the lands of said estate, at public or private sale, and to make titles for the same to the purchaser; *Provided,* That said sale be reported to the judge of probate of said county and after examination of two or more disinterested witnesses as to the value of said lands had before said judge, the said sale to be approved by him.

Approved March 14, 1873.

No. 129.]

AN ACT

To authorize William O. Winston, administrator of the estate of Turner Reavis, deceased, late of Sumter county, and his successors in said office to sell the library and lands of said intestate, at public or private sale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That William O. Winston, administrator of the estate of Turner Reavis, deceased, late of the county of Sumter, and his successors in said office, be and are hereby authorized and empowered to sell at public or private sale, either in or out of the State of Alabama, the law and miscellaneous libraries of said intestate.

Authority to
sell libraries.

SEC. 2. *Be it further enacted,* That the books comprising said libraries may be sold, either collectively or in lots to suit purchasers, and on such terms as may be conducive to the interests of said estate, at the discretion of said administrator.

How libraries
to be sold.

SEC. 3. *Be it further enacted,* That said administrator and his successors in office are hereby author-

ized and empowered to sell at public or private sale, the lands belonging to said estate, situated both in and out of the State of Alabama, whenever he may deem it necessary for the interests of said estate that said lands should be sold for the payment of the debts of said intestate, or for division and distribution amongst the heirs.

SEC. 4. *Be it further enacted,* That no sale of said land or any part thereof, made by the administrator or his successors, under the provisions of this act, shall be valid, until the same is reported by him to the probate court of Sumter county, and by said court approved and admitted to record, as in the case of similar sales under the Code of Alabama.

SEC. 5. *Be it further enacted,* That after the approval of said sales of land by said probate court, and the payment of the purchase money therefor, said administrator shall report said payment to said court, and thereupon said court may make an order authorizing said administrator or his successors to make and deliver deeds conveying to the purchasers of said lands all the right, title and interest of said intestate, in the manner now provided for by the Code of Alabama.

SEC. 6. *Be it further enacted,* That all moneys received from the sale of said libraries and said lands or any part thereof, under the provisions of this act, shall be accounted for by the present administrator of said estate or his successors in said office, as the other assets of said estate are now required to be accounted for by law.

SEC. 7. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved March 15, 1873.

No. 130.]

AN ACT

To authorize Paul H. Lewis as administrator of the estate of William P. Brown, deceased, late of Shelby county, to sell the real estate belonging to said estate, at private or public sale, without an order of court.

Authority to
sell.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Paul H. Lewis as administrator of the estate of William P. Brown, deceased, be and hé is hereby authorized and empowered to sell the real estate belonging to the estate of the said William P. Brown, deceased, at private or public sale, as he may deem best for the interest of said estate, without an order of court; one third for cash and the remainder on one and two years, with interest from date of sale, so as to vest a complete title to the same in the purchaser or purchasers as fully as if sold in accordance with the provisions of the statute now in force in Alabama; *Provided,* That any sale made by said Paul H. Lewis, under the provisions of this act, shall be subject to be governed by sections 2089, 2091, 2092, 2093, 2095 and 2096 of the Revised Code of Alabama, so far as applicable.

Report to be
made.

SEC. 2. *Be it further enacted,* That the said Paul H. Lewis as such administrator, shall report any sale or sales made under the provisions of the first section of this act, to the probate court of the county of Shelby, and all subsequent proceedings as required by the first section of this act shall be had in said court of probate for Shelby county.

Approved, April 18, 1873.

No. 131.]

AN ACT

To authorize Emily A. Branson as administratrix of the estate of John W. Cowart, late of Pike county, deceased, to sell the lands of said decedent's estate, at public or private sale, without an order of court.

Authority to
sell.

SECTION 1. *Be it enacted by the General assembly of Alabama,* That Emily A. Branson, as administratrix of the estate of John W. Cowart, deceased, be, and she is hereby authorized and empowered to sell the real estate belonging to the estate of said decedent, at private or public sale, as she may deem best for the interest of said estate,

without an order of said court, and on such terms as will command the greatest price, not exceeding a credit of three years for the last installment, and with interest from date of sale to the maturity of each installment; *Provided*, That any sale made by said Emily A. Branson, under the provisions of this act shall be subject to and governed by sections 2089, 2091, 2092, 2093, 2095, and 2096, of the Revised Code of Alabama, so far as applicable

SEC. 2. *Be it further enacted*, That the said Emily A. Branson, as such administratrix, shall report any sale or sales made under the provisions of the first section of this act, to the probate court of the county of Pike, and all subsequent proceedings, as required by the first section of this act, shall be had in said court of probate for Pike county. Report to be made.

Approved April 18, 1873.

No. 132.]

AN ACT

To repeal an act entitled an act to remove the administration of the estate of Oliver P. Bessinger, deceased, late of Coosa county, from the court of probate of Coosa county, to the probate court of Pike county, approved February 14, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to remove the administration of the estate of Oliver P. Bessinger, deceased, late of Coosa county, from the probate court of Coosa county to the probate court of Pike county, approved February 14, 1872, be and the same is hereby repealed, and the said estate stands in all respects, as though such act had never been passed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 15, 1873.

No. 133.]

AN ACT

To authorize Sarah W. Dugger, of Hale county, to sell as administratrix of the estate of Henry B. Dugger, deceased, certain real estate therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Sarah W. Dugger of Hale county, be and she is hereby authorized as the administratrix of the estate of Henry B. Dugger, to sell and convey either publicly or privately and upon such terms and after giving such notice thereof, as she may deem advisable, all of the real property belonging to the estate of said decedent; *Provided,* That said sale shall not be valid without the approval of the probate judge of Hale county.

Approved March 24, 1873.

No. 134.]

AN ACT

To allow Mrs. Mary B. Fannin, of Pike county, to sell a house and lot in the city of Troy, Alabama.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That Mary B. Fannin, widow of Joseph B. Fannin, deceased, late of Pike county, Alabama, be, and she is hereby authorized and empowered to sell, either at public or private sale, a house and lot in the city of Troy, in Pike county, Alabama, known the "Joseph B. Fannin place," situated on the east side of Three-Notch street in said city, and bounded as follows: On the east by lands belonging to J— Hoboy, on the north by lot belonging to Joseph Minchener, on the south by lots owned by Wm. M. Murphree, U. L. Jones and Dr. G. W. Andrews, and to execute to the purchaser of said lot a deed conveying all the rights, titles and interest which the said Joseph B. Fannin had in and to said lot at the time of his death, and which his widow and heirs may have had in and to the same.

Approved March 19, 1873.

No. 135.]

AN ACT

To authorize Harriet H. Minor, widow of L. M. Minor, to sell the real estate of said estate, in Greene county, Alabama, at private sale, and to reinvest the proceeds of the same in real estate in Pickens county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Harriet A. Minor, widow of L. M. Minor, deceased, be and she is hereby authorized and empowered to sell at private sale, all the lands of said estate situated in Eutaw, Green county, Alabama, being one-half interest in certain lots in the town of Eutaw, making report of her sale to the probate court of Pickens county, Alabama, and on the confirmation of said sale, she in her capacity of administratrix, shall make title to the purchaser. Authority to sell.

SEC. 2. *Be it further enacted*, That said H. A. Minor, administratrix, is authorized and empowered to reinvest the proceeds of the sale authorized in the first section of this act, in purchasing at private sale the one-half interest of Philip Minor in the lands in Pickens county, Alabama, owned in common by the estate of L. M. Minor and Philip Minor. Authority to re-invest.

SEC. 3. *Be it further enacted*, That the judge of the probate court of Pickens county, Alabama, shall appoint three disinterested householders to value said lands authorized to be sold and purchased, and that said lands shall not be sold or purchased as authorized in the first and second sections of this act, at a price other than the price fixed by said appraisers. Appraisers to be appointed.

Approved March 19, 1873.

No. 136.]

AN ACT

To refund to the children of Aaron Goins, deceased, money of his estate that escheated to the State of Alabama.

WHEREAS, Aaron Goins, a freedman, died in 1852 in this State, intestate, owning real estate in the city of Montgomery, and leaving children, who at the time of his death were slaves, and by the laws of the State incapable of inheriting, and said real estate was sold after his death and the money realized therefrom by his legal representative, amounting to the sum of one thousand and eighty-five dollars and forty-five cents, was paid to the State by the judge of probate of Montgomery county, on the 21st day of May, 1859, and Whereas, Aaron Goins, Thomas Goins, David Goins and Harriet Goins are children of said Aaron Goins, deceased, born in wedlock, and are the only persons who could now take as his heirs at law ; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Auditor of the State be and he is hereby required to draw warrants on the State Treasurer in favor of each of the above named children of said Aaron Goins, deceased, for the sum of two hundred and seventy-one dollars and thirty-five cents.

Approved April 4, 1873.

No. 137.]

AN ACT

To authorize and empower Katharine McCardle, of Muscogee county, in the State of Georgia, to administer upon the estate of Felix McCardle, late of Russell county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Katharine McCardle, of the county of Muscogee, in the State of Georgia, be and is hereby authorized to administer, with the will annexed, upon the estate of Felix McCardle, deceased, in the county of Russell, in the State of Alabama, upon complying with the administration laws of Alabama, in other respects any laws to the contrary notwithstanding.

Approved April 4, 1873.

No. 138.]

AN ACT

To remove the guardianship of William Charles Edgar Lingen, a minor, from the probate court of Mobile county, to the Royal Bavarian City Court of Bamberg.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That upon the exhibition to the judge of the probate court of Mobile county, and the filing therein of properly authenticated transcripts of proceedings had in the royal Bavarian city court of Bamberg, in the kingdom of Bavaria, Germany, showing the appointment in and by said city court, of a guardian for William Charles Edgar Lingen, minor, son of George Lingen, physician, formerly of said county of Mobile. deceased, and the acceptance of the trust by the person so appointed, it shall be lawful for the judge of said probate court of Mobile county, on the application of such guardian, to make all orders and furnish certified copies thereof, and of such papers and proceedings in said probate court, pertaining to the estate of such minor, that may be necessary for the removal and transfer of the guardianship of said minor, and of his estate to the said royal Bavarian city court of Bamberg, and to the guardian by said court appointed, and to authorize such removal and transfer.

Duty of judge
of probate.

SEC. 2. *Be it further enacted,* That upon such removal or transfer being authorized by said probate court, the guardian appointed by said royal Bavarian city court of Bamberg, be and he is hereby authorized to receive and take the moneys, movable property and effects of said minor remaining or being in this State, and them to remove from this State upon executing and delivering the proper receipts and vouchers therefor.

When effects
may be received.

SEC. 3. *Be it further enacted,* That upon being satisfied by proper proof that any portion or portions of the moneys, property or effects of said minor have heretofore been paid or delivered by the guardian appointed by said probate court of Mobile county to a guardian of the same appointed by said royal Bavarian city court of Bamberg, and by him

Order of decree
to be made by
probate judge.

shall have been accounted for or reported to it, an order of decree of said probate court shall be made and entered in the matter of the guardianship of said minor, discharging and exonerating the guardian appointed by it, and the sureties of such guardian from any further responsibility for the portion or portions paid or delivered as aforesaid.

Approved, April 4, 1873.

No. 139.]

AN ACT

To enable the administrator, with the will annexed, of James D. Randolph, to sell at private sale enough of the estate of said testator to pay the debts of said estate.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Eugene Beebe, administrator, with the will annexed, of James D. Randolph, deceased, be and he is hereby authorized to sell at private sale such real estate belonging to said estate, situated in the city and county of Montgomery, as may be necessary for the purpose of paying the debts of said estate; *Provided*, That the sale shall be reported within thirty days after such sale to the judge of probate of Montgomery county, and shall be valid only when approved by him and entered of record; *And provided further*, That any creditor, legatee, devisee, or heir of said testator shall have the right to appeal from said approval, to the Supreme court of Alabama, within one year from the time of such approval.

Approved, April 2, 1873.

No. 140.]

AN ACT.

For the relief of the estate of William Rouse, late of Mobile county, deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Ann Rouse, the widow and

administratrix of the estate of William Rouse, late of the county of Mobile, deceased, be and she is hereby authorized and empowered to let and lease the property of said estate in the city of Mobile, known as the Phoenix Foundry, together with the machinery and appurtenances belonging to the same, for a term not exceeding five years ; *Provided*, That she shall take good security from year to year for the payment of the rent, and that before the lease shall be executed, it shall be submitted to the judge of probate for his approval, and shall not be binding until by him approved, and his approval certified upon the same.

Authority to lease.

SEC. 2. *Be it further enacted*, That in case no satisfactory lease can be effected, or for other reasons it may be inexpedient to lease the said property, then it shall be lawful, and the said Ann Rouse be and is hereby authorized to make sale and conveyance of said foundry property and its appurtenances at private sale, or at public outcry, and upon such terms as to cash and credit as may be deemed by her most advisable for the interests of said estate ; *Provided however*, That any such sale shall be submitted to the probate court of said county for approval, and shall not be binding unless approved by said court.

When a sale may be made.

Proviso.

Approved, April 22, 1873.

No. 141.]

AN ACT

To amend an act for the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased, approved February 5, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of said act which reads as follows : "That William C. McIver, administrator of the estate of Seaborn Jones, be and he is hereby authorized and empowered to sell the lands of said estate, situated and lying in Macon county, Alabama, at private sale, on such terms as the best interest of said estate shall require, and make due

Recitation.

return of said sale to the court from which his letters issued," be and the same is amended so that said section shall read as follows, to-wit :

Authority to
sell at private
sale.

Be it enacted by the General Assembly of Alabama, That Wm. C. McIver, administrator of the estate of Seaborn Jones, or any future administrator of said estate, be and is hereby authorized and empowered to sell the lands of said estate, situated and lying in Macon, Tallapoosa or other counties in Alabama, at private sale, on such terms as the best interest of said estate shall require, and make due return of sales to the court from which his letters issued and may issue.

Approved, April 18, 1873.

No. 142.]

AN ACT

For the relief of N. S. Davenport and David H. Spring, administrators of Rodolphus R. Davenport, deceased, and James Long, administrator of Alford Long, deceased.

Authority to
divide and par-
tition and en-
close certain
lands.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That N. S. Davenport and David H. Spring, administrators of Rodolphus R. Davenport, and James Long, administrator of Alford Long, deceased, of DeKalb county, be and they are authorized to divide and partition the land situated in DeKalb county, belonging to and held by decedents in their lifetime as tenants in common, and now the joint property of their said estates, and said administrators respectively are hereby authorized to enclose with good fences the open lands of said estates, and reasonable expenses of the same upon proof thereof before the probate judge of said county of DeKalb, shall be allowed out of the proceeds of sales of said lands when made; *Provided*, That said partition shall not be valid and binding until the apportionment, partition and fencing above named shall have been reported to and approved by the said probate judge of DeKalb county.

Be it further enacted, That after said partition, division, fencing and conformation mentioned in the above section, that it shall be lawful, and the said N. S. Davenport and David H. Spring, administrators of Rodolphus R. Davenport, are hereby authorized to sell at private sale the lands allotted to their intestates under the first section of this act, and to convey title to the same, and the said James Long, administrator of Alford Long, is also authorized and empowered to sell and convey title to the part of land allotted in said partition to his intestates; *Provided,* That in both cases the said sales shall be reported to and confirmed by the probate judge of DeKalb county.

Authorized to
sell at private
sale.

Approved, April 19, 1873.

No. 143.]

AN ACT

For the relief of Mrs. Lucinda Bunkley, widow of Gardner Bunkley, deceased, and administratrix of his estate.

WHEREAS, It was the expressed desire of said Gordon Bunkley, in his last sickness, that his said wife should administer on his estate, without bond; and, Whereas, Under the existing law, she was nevertheless required to give bond; and, Whereas, She has administered the estate in such manner as to show that it is safe in her hands, without bond; and, Whereas, Her children now are the chief parties interested in said estate; and, Whereas, By the affliction of her chief surety, she may be required to give a new bond as administratrix;

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in case the said administratrix shall be called upon or required to give a new bond, the probate judge of Montgomery county is hereby authorized and required to continue her in the administration of said estate, upon her executing her own bond, without surety, so long as she continues unmarried.

Approved April 22, 1873.

No. 144.]

AN ACT

To authorize Sarah J. Davidson, administratrix of the estate of James M. Davidson, Sr., deceased, late of Monroe county, to sell the lands of said estate at private sale; and to authorize Richard M. Johnson, administrator of the estate of A. W. Jones, deceased, of Montgomery county, to sell the effects of said decedent at public or private sale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Sarah J. Davidson, the administratrix of the estate of James M. Davidson, Sr., deceased, late of Monroe county, and Richard M. Johnson, administrator of the estate of A. W. Jones, deceased, of Montgomery county, be and they are hereby authorized and empowered to sell at private sale the lands belonging to said estates, and make and execute paper deeds of conveyances to the purchaser or purchasers thereof, which shall be held good and sufficient in courts of law and equity, when executed as deeds and conveyances are required by law to be executed; *Provided,* Said sales shall be reported to and approved by the probate judge of said counties, and such sales be recorded in the office of the court of probate of said counties of Monroe and Montgomery.

SEC. 2. *Be it further enacted,* That Richard M. Johnson is hereby authorized to sell the personal property of the estate of A. W. Jones at private sale; said sale of personal property to be approved by the probate judge of Elmore county.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved April 22, 1873.

No. 145.]

AN ACT

To authorize Thomas Masterson, administrator *de bonis non* of the estate of Peter Loony, deceased, late of Lawrence county, to sell the lands that belong to said estate.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Thomas Masterson, as administrator *de bonis non* of the estate of Peter Loony, deceased, is hereby authorized to sell at private sale the lands that belong to said estate, lying in the county of Lawrence, and State of Alabama.

SEC. 2. *Be it further enacted,* That no sale of said lands shall be valid until the same shall have been reported to and approved by the judge of the probate court of Lawrence county.

Approved April 21, 1873.

No. 146.]

AN ACT

To authorize James Benagh, of Limestone county, to administer on the estate of Thomas H. Hobbs, deceased, and to fix the amount of his bond.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That James Benagh, of Limestone county, is hereby authorized to administer upon the estate of Thomas H. Hobbs, deceased, upon his filing with the probate judge of Limestone county a bond, to be approved by said judge, for double the amount of the estimated value of all the personal property and estimated annual rents and profits of said estate.

Authorized to sell the personal property.

SEC 2. *Be it further enacted,* That in the event of an order of sale of any real property belonging to said estate by the court, then the said administrator shall be required to give additional bond, to be approved by the probate judge, for double the value of the real property so ordered to be sold.

Additional bond.

SEC. 3. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved April 21, 1873.

No. 147.]

AN ACT.

To authorize A. F. Elsberry, the administrator of the estate of Julius S. Alford, deceased, to sell the land or parcels of land of said estate at private sale, without making application, proof, and obtaining an order of sale, as is usually done.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That A. F. Elsberry, the administrator of Julius S. Alford, deceased, be and he is hereby authorized and empowered to sell the land or parcels of land belonging to said estate of Julius S. Alford, without filing an application, making proof, and obtaining an order therefor; and he may sell the same at private sale.

Authorized to
sell at private
sale.

SEC. 2. *Be it further enacted*, That said A. F. Elsberry shall report said sale to the probate court of Bullock county, and have the same ratified and confirmed, and the titles passed, as in other cases of sales of real estate by administrators.

Report to pro-
bate judge.

Approved April 21, 1873.

No. 148.]

AN ACT

To amend an act entitled an act to authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torrey, in Russell county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torrey, in Russell county, Alabama," which reads as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That John Quinn, of the county of Muscogee, and State of Georgia, be and he is hereby authorized to administer upon the estate of James Torrey, in Russell county, Alabama, upon complying with the administration laws of Alabama in other respects, any law

to the contrary, notwithstanding, approved February 24th, 1872," be amended so as to read as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That John Quinn, of the county of Muscogee, and State of Georgia, be and he is hereby authorized to administer upon the estate of James Torrey, in the State of Alabama, upon complying with the administration laws of Alabama in other respects, any law to the contrary, notwithstanding."

Approved April 19, 1873.

No. 149.] AN ACT

To authorize Martin G. Slaughter, administrator of the estate of Joseph McConathy, deceased, to sell the lands belonging to said estate at private sale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Martin G. Slaughter, administrator of the estate of Joseph McConathy, deceased, late of Clay county, be and he is hereby authorized to sell the lands belonging to said estate at private sale; which said sale shall be reported to and confirmed by the probate judge of Clay county, and when so confirmed, the deed of said administrator shall convey to the purchaser all the right and title of said decedent.

Approved, April 23, 1873.

No. 150.] AN ACT

To authorize Mary Sledge, administratrix of the estate of Henry Sledge, to sell certain lands.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Mary Sledge, as administratrix of the estate of Henry Sledge, of the county of Escambia, is hereby authorized and empowered to sell at private or at public sale the west half of south-
Authority to sell.

east fourth and west fourth of southwest fourth of section one; the northwest fourth of northwest fourth section twelve; the southeast fourth of southeast fourth section fourteen; the southwest fourth of southwest fourth section thirteen, all in township one, range ten, lying and being in Escambia county.

Report to probate judge.

SEC. 2. *Be it further enacted*, That the said administratrix must report said sale to the probate judge of Escambia county, and such sale shall not take effect unless proof be made to said probate judge that said sale has not been made for a sum greatly disproportionate to the true value of the said lands, and the same be approved and confirmed by said probate judge.

SEC. 3. *Be it further enacted*, That all laws or parts of laws contrary to the provisions of this act, are hereby repealed.

Approved, April 23, 1873.

No. 151.]

AN ACT

To authorize Mary J. Long, as administratrix of the estate of James B. Long, her deceased husband, to sell the lands belonging to said estate at private sale.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Mrs. Mary J. Long, of Pike county, be and she is hereby authorized and empowered to sell the lands belonging to the estate of her deceased husband, James B. Long, at private sale for division and distribution among the heirs at law and distributees of said estate, and without any order of the probate court of the said county of Pike, (where said lands are situated) therefor, and to execute titles to the purchaser or purchasers; *Provided*, That the said Mary J. Long, as such administratrix shall, within sixty days after making sale of said land report the same to the judge of said probate court, who shall, if said land has been sold for a fair price, and the purchase

money paid or well secured, confirm the same; *Provided further*, That said Mary J. Long shall be liable on her bond as such administratrix for any devastavit or failure to account for and properly distribute the proceeds of the sale of said land as now provided by law.

Approved, April 23, 1873.

No. 152.]

AN ACT

For the relief of the widow and legatees under the will of the late Wm. H. Bullock, deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the probate court of Greene county be authorized to take jurisdiction in the matter of the probate of said will of the late William H. Bullock, deceased, of Mobile county, and that the executor named in said will be authorized and empowered to qualify as such in said county of Greene, and administer the assets of said estate in said county.

Approved, April 19, 1873.

No. 153.]

AN ACT

To prevent the sale, giving away, or otherwise disposing of vinous, spirituous, or malt liquors, or intoxicating bitters, or other intoxicating beverages by whatsoever name designated, within two miles of any coaling grounds in the counties of Jefferson, Bibb, and Tuscaloosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages, within two

miles of any coaling grounds in the counties of Jefferson, Bibb, and Tuscaloosa.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars, and may be imprisoned in the county jail not exceeding thirty days, at the discretion of the court trying the same.

Incorporated towns exempted.

SEC. 3. *Be it further enacted*, That the provisions of this act shall not apply to the town of Birmingham, or other incorporated towns within the limits prescribed in this act, nor to any person or persons manufacturing, selling or giving away domestic wines, nor to the use of wines for sacramental purposes, nor shall they apply to physicians prescribing the aforesaid liquors in their practice, nor further, shall they apply to any person or persons who shall take or give one or more drinks in his private residence to another person; *Provided*, Such use be restrained within the limits of temperance.

Approved March 7, 1873.

No. 154.]

AN ACT

To prohibit the sale or giving away of vinous, spirituous or malt liquors within five miles of certain places in Cherokee county, therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for any person in this State to sell, give away, or otherwise dispose of any vinous or spirituous liquors within five miles of any establishment erected and operated for the purpose of manufacturing iron, or any commodity made of iron, at any point between Amberston, in Cherokee county, and the line between the States of Georgia and Alabama, nor within two miles of Watoola Church in Russell county, Alabama, unless the same shall be sold or administered for purely medicinal purposes, under a medical prescription.

SEC. 2. *Be it further enacted.* That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars, and may also be imprisoned in the county jail for not less than thirty days, at the discretion of the judge trying the case, and on failure to secure said fine and the costs, shall be sentenced to hard labor for the use of the county in which such conviction is had, for not less than fifty days. Penalty.

Approved March 29, 1873.

No. 155.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Methodist church in the town of Larkinsville, in the county of Jackson.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters, in less quantities than five gallons, within one mile of the Methodist church in the town of Larkinsville, in the county of Jackson; *Provided,* That this act shall not be so construed as to prevent physicians from prescribing spirits for medicinal purposes; *Provided further,* That it shall not abridge the right and privilege of any person or persons to use or give away any of the above described liquors at his or her private residence. Exception.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty, nor more than two hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not less than two months, at the discretion of the jury trying the same. Penalty.

Solicitor's fee. SEC. 3. *Be it further enacted*, That the solicitor shall be entitled to twenty five dollars for the conviction of each defendant for a violation of the foregoing sections of this act, to be taxed as cost against each defendant so convicted.

Approved March 28, 1873.

No. 156.]

AN ACT

To prohibit the sale of ardent spirits within two miles of Bethel church, in Winston county, and within two miles of the Methodist church, at Robinson's Springs, Elmore county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful to sell, give away, or otherwise dispose of any whisky, brandy, or any other vinous liquors within two miles of Bethel church, in Winston county, in this State. Said church is located in the S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of section 15, township No. 12, range No. 9 west, in said county; and within four miles of the Methodist church, at Robinson's Springs, Elmore county.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than one hundred dollars.

Approved April 23, 1873.

No. 157.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating bitters, or other intoxicating beverages within three miles of Pleasant Hill church, (Methodist,) in Jefferson county; and within one and one-half miles of the academy at Wesobulga, in Clay county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away or otherwise dispose of spirituous, vinous, or malt liquors, intoxicating bit- ters, or other intoxicating beverages, within three miles of Pleasant Hill church, (Methodist,) in Jef- ferson county; and within one and one-half miles of the academy at Wesobulga, in Clay county.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty nor more than one hundred dollars, and may be im- prisoned in the county jail not exceeding sixty days, at the discretion of the jury or court trying the same. Penalty.

SEC. 3. *Be it further enacted.* That the provi- sions of the foregoing sections shall not be so con- strued as to prevent physicians from using spiritu- ous liquors in their practice, or wine from being used for sacramental purposes; nor shall they be construed so as to prohibit the manufacture or use of domestic wines, or so as to prevent one person from giving to another one or more drinks of such liquors in his private residence, if such residence is not in any way connected with or part of a tavern, hotel, store or shop, or other house where public business is carried on, or transacted; *Provided,* Such use do not transcend the bounds of temper- ance, or produce intoxication. How to be con- strued.

Approved April 19, 1873.

No. 158.]

AN ACT

To prohibit the sale or giving away of spirituous, vinous or malt liquors within three and a half miles of the village of Ramee, in Montgomery county, and within two miles of Blue Grass Sul- phur Springs, in St. Clair county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, no person shall sell or give away any spirituous, vinous or malt liquors within three and a half miles of the village of Ramee, situated in Montgomery county, and within two miles of Blue Grass Sulphur Springs, in St. Clair county, Alabama, except for medicinal purposes.

Penalty. SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned in the county jail for six months, one or both, at the discretion of the court trying the same.

Approved March 28, 1873.

No. 159.]

AN ACT

To prohibit the sale, giving away, or otherwise dealing in spirituous, vinous or malt liquors within three miles and a half of a Methodist church, situated in Macon county, in township 16 and range 21, known by the name of the White Church; and also Fish Pond church, Coosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person to sell, give away, or otherwise deal in spirituous, vinous or malt liquors, in any quantity, within three miles and a half of the Methodist church, known as the White Church, in Macon county; and also Fish Pond church, Coosa county.

Penalty. SEC. 2. *Be it further enacted*, That any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred nor more than two hundred dollars for each offence, and may be imprisoned or sentenced to hard labor for the county for not more than six months, one or both, at the discretion of the jury trying the same.

Approved March 28, 1873.

No. 160.] AN ACT

To repeal an act to prohibit the sale of spirituous, vinous or malt liquors within three miles of Mount Tabor church, Blount county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That an act entitled an act to prohibit the sale of spirituous, vinous or malt liquors within three miles of Mount Tabor church, in Blount county, approved March 2d, 1871, be and the same is hereby repealed.

Approved April 15, 1873.

No. 161]. AN ACT

To prohibit the wholesale and retail of spirituous liquors within two miles of the town of Bangor, in Blount county.

SEC. 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person to sell by wholesale or retail any vinous or spirituous liquors at or within two miles of the town of Bangor, in the county of Blount.

SEC. 2. *Be it further enacted,* That a violation of the provisions of the first section of this act shall subject the author of such violation to an indictment, ^{Penalty.} and upon conviction, to be fined by the court not less than one hundred dollars, and on failure to secure or pay the same and costs of suit, must be sentenced to three months' imprisonment.

Approved, February 22, 1873.

No. 162.] AN ACT

To prevent the sale or giving away of spirituous and intoxicating liquors within one mile of High Log Baptist church, in Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or barter any spirituous or intoxicating liquors within one mile of High Log Baptist church, in Bullock county, Alabama.

Penalty.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty nor more than one hundred dollars.

SEC. 3. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 28, 1873.

No. 163.]

AN ACT

To prevent the sale of spirituous liquors within one and a half miles of the Alabama and Georgia factory, in Chambers county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell or give away any spirituous liquors within one and a half miles of the building of the Alabama and Georgia manufacturing company, in Chambers county.

Penalty.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than two hundred dollars, and may be imprisoned in the county jail or put to hard labor for the county for a period not exceeding twelve months, one or both, in the discretion of the court trying the cause.

Approved February 18, 1873.

No. 164.] AN ACT

To prohibit the sale of spirituous or vinous liquors within an area of five miles of Stonewall iron works in Cherokee county, in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for any person to sell spirituous or vinous liquors within an area of five miles of Stonewall iron works, in Cherokee county, in this State.

SEC. 2. *Be it further enacted*, That any person who violates the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction must be fined not less than fifty dollars for each offense, and imprisonment by the court until fine and costs are paid or secured. Penalty.

Approved March 15, 1873.

No. 165.] AN ACT

To prevent the sale of spirituous liquors within two miles of mountain mills, in Colbert county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the approval of this act, it shall not be lawful for any person to sell spirituous liquors of any kind within two miles of mountain mills, in Colbert county, Alabama, except for medicinal purposes, as prescribed by a physician.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act, and upon indictment shall, on conviction thereof, be fined not less than fifty dollars for every such conviction. Penalty.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, are hereby repealed.

Approved, April 19, 1873.

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors in less quantities than forty gallons within five miles of the court house in the town of Scottsboro, in Jackson county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or firm to sell, give or deliver to any other person or persons, spirituous, vinous or malt liquors, ale, lager beer or intoxicating bitters, in quantities less than forty gallons, within five miles of the court house in the town of Scottsboro, in the county of Jackson. *Provided*, That nothing in this act shall prevent any person from giving to a friend, in his private residence, one or more drinks, spirituous, vinous, malt or intoxicating liquors. *Provided, further*, That such residence is not in any way connected with or forms any part of a tavern, inn, hotel, store, law office, medical office, grocery, or other house where any public business is carried on or transacted.

Penalty.

SEC. 2. *Be it further enacted*, That any one violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars, nor more than five hundred dollars, and imprisoned in the county jail or sentenced to hard labor for the county for not more than one year, one or both, at the discretion of the jury or court trying the same.

Solicitor's fee.

SEC. 3. *Be it further enacted*, That the county solicitor shall be allowed a fee of fifty dollars for every conviction under this act.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Election to be held.

SEC. 5. *Be it further enacted*, That within sixty days after the passage of this act, it is hereby made the duty of the mayor of the town of Scottsboro, in Jackson county, Alabama, to hold an election in said town, for the ratification of this act; the said mayor for said purpose shall give twenty days

notice of the day for holding said election, by advertising in some newspaper published in said town, and only the qualified voters living in the limits to be affected by this act shall vote at said election.

SEC. 6. *Be it further enacted*, That said election shall be conducted in all respects as other elections, except the votes shall be as follows, viz: Those approving the bill shall vote "for the bill," the contrary, "against the bill." If a majority of of the electors living in said limits shall vote "for the bill," it shall be a law, and take effect from the date of its said ratification; if otherwise it shall be of no effect. The inspectors at said election shall count the vote and declare the result, and shall certify the same to the probate judge, together with poll list and ballots, all of which shall be filed in his office. Said election shall be subject to contest as other elections. The certificate of said inspectors shall be recorded in the office of the probate judge of said county, and shall be evidence of the result of said election.

Majority voting
to ratify this
act.

Approved March 17, 1873.

No. 167.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Stevenson Hotel, in the town of Stevenson, in the county of Jackson.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or firm to sell, give or deliver to any other person or persons, spirituous, vinous, or malt liquors, or intoxicating bitters, in quantities less than five gallons, within one mile of the Stevenson hotel, in the town of Stevenson, in the county of Jackson. *provided*, That nothing in this act shall prevent any person from giving to a friend in his private residence one or more drinks, spirituous, vinous, malt or intoxicating liquors. *Provided, further*, That such

Proviso. residence is not in any way connected with or forms any part of a tavern, inn, hotel, store, law office, medical office, grocery or other house where any public business is carried on or transacted.

Penalty. SEC. 2. *Be it further enacted*, That any one violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars, and imprisoned in the county jail or sentenced to hard labor for the county, for not more than one year, one or both, at the discretion of the jury or court trying the offender.

Solicitor's fee. SEC. 3. *Be it further enacted*, That the county solicitor shall be allowed a fee of fifty dollars, for every conviction under this act.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Election to be held. SEC. 5. *Be it further enacted*, That within sixty days after the passage of this act, it is hereby made the duty of the justices of the peace of the district in which the said town of Stevenson is situated, in the county of Jackson, to hold an election in said town for the ratification of this act. The said justices for said purpose shall give twenty days notice of the day for holding said election, by posting advertisements thereof in three conspicuous places in the town of Stevenson, and only the qualified voters living in the limits to be affected by this act shall vote at said election.

Majority may ratify. SEC. 6. *Be it further enacted*, That said election shall be conducted in all respects as other elections, except the votes shall be as follows, viz: Those approving the bill shall vote "for the bill;" the contrary, "against the bill." If a majority of the electors living in the said limits, shall vote "for the bill," it shall be a law and take effect from the date of its said ratification; if otherwise, it shall be of no effect. The inspectors at said election shall count the vote and declare the result, and shall certify the same to the probate judge, together with poll list and ballots, all of which shall be filed in his office. Said election shall be subject to contest as other elections. The

certificate of said inspectors shall be recorded in the office of the probate judge of said county, and shall be evidence of the result of said election.

Approved March 19, 1873.

No. 168.]

AN ACT

To prohibit the sale, giving away or otherwise disposing of any spirituous, vinous, or malt liquors, or any intoxicating bitters within one mile of O'Neal's grist and saw mill, at Eureka coal mines, in Jackson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous, or malt liquors, or any intoxicating bitters within one mile of O'Neal's grist and saw mill, at Eureka coal mines, in Jackson county; *Provided*, That any person or persons may give one or more drinks to any guest or visitor at his private residence.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of the foregoing section of this act, shall be deemed guilty of a misdemeanor, and on conviction for the same must be fined not less than fifty dollars, and may be imprisoned in the county jail not exceeding thirty days, one or both at the discretion of the jury trying the same. Penalty.

SEC. 3. *Be it further enacted*, That the solicitor for each conviction under the provisions of this act shall be entitled to a fee of twenty-five dollars, to be taxed as costs against the defendant. Solicitor's fee.

Approved, April 15, 1873.

No. 169.]

AN ACT

To amend first section of an act entitled an act to prevent the sale of spirituous liquors within two miles of Salem Baptist church, in Jefferson county, approved February 21, 1860.

Recitation.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That the first section of an act entitled an act to prevent the sale of spirituous liquors within two miles of Salem Baptist church, in Jefferson county, approved February 21, 1860, which is as follows: Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in general assembly convened, That from and after the passage of this act, it shall not be lawful for any person to sell spirituous liquors or wines within two miles of Salem Baptist church, situated on Turkey creek, in Jefferson county, except for medical purposes, and if any person shall sell spirituous liquors or wines in violation of this act, such persons shall be subject to indictment, and on conviction may be fined in a sum not less than one hundred dollars, nor more than five hundred dollars for each and every such offence, be and the same is hereby amended as follows:

Amended.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to sell or otherwise dispose of vinous, spirituous or malt liquors, or intoxicating bitters, or other intoxicating beverages by whatever name designated, within two miles of Salem Baptist church, near Hagood's cross roads, in Jefferson county, and any person violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars, and may be imprisoned in the county jail not exceeding twenty days, at the discretion of the court trying the same.

How to be construed.

SEC. 2. *Be it further enacted,* That this act shall not be so construed as to prohibit the sale or use of wines or liquors for medicinal purposes when prescribed directly by a physician, nor of wine for sacramental purposes, nor further shall it be construed to prohibit the manufacture and use of domestic wines.

Approved, March 14, 1873.

No. 170.]

AN ACT

To prevent the sale of spirituous or vinous liquors within two and one-half miles of the furnaces of the Red Mountain Iron and Coal Company, in the county of Jefferson.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful, after the passage of this act, for any person to sell, either at wholesale or retail, spirituous or vinous liquors within two and one-half miles of the furnaces of the red mountain iron and coal company, located in the county of Jefferson, and that any person so offending, shall be subject to a fine of not less than fifty nor more than five hundred dollars for each offence. Penalty.

SEC. 2. *Be it further enacted,* That the provisions of this act shall not be so construed as to apply to the manufacture or use of domestic wines, or the use of liquors for medicinal purposes, when prescribed by a physician. How to be construed.

Approved, March 14, 1873.

No. 171.]

AN ACT

To prohibit the sale or other disposition of spirituous, vinous or other intoxicating liquors within three miles of Texas camp-ground, in the county of Macon.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, except for sacramental purposes, any spirituous, vinous, or intoxicating liquors within three miles of Texas camp-ground, in Macon county, during the time camp meetings or other religious services are held at the said camp ground.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon con- Penalty.

viction shall be fined not less than fifty, nor more than two hundred dollars, at the discretion of the jury trying the same, and may also be imprisoned not more than twenty days at the discretion of the court.

Approved, March 22, 1873.

No. 172.]

AN ACT

To prohibit the selling, giving away, or other disposition of spirituons, vinous or intoxicating liquors within two miles of the primitive Baptist church, at Concord, in Randolph county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous, or intoxicating liquors within two miles of Concord Baptist church, in Randolph county.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, and may be imprisoned in the county jail not more than thirty days for each and every offence, one or both, at the discretion of the court trying the same.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved, March 14, 1873.

No. 173.]

AN ACT

To prevent the sale or otherwise disposing of spirituous, or malt liquors within one and a half miles in any direction, of the Academy in the town of Roanoke, Randolph county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage

of this act, it shall be unlawful for any person or persons to sell, or otherwise dispose of and spirituous, vinous or malt liquor, except for medical purposes, within one and a half miles in any direction, of the Academy in the town of Roanoke, in Randolph county, Alabama.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor over two hundred dollars, or sentenced to hard labor for the county, for not less than two nor over six months, at the discretion of the court trying the same. ^{Penalty.}

Approved February 17, 1873.

No: 174.]

AN ACT

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors, within one and a half miles of the Academy in the town of Wedowee, in Randolph county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors within one and a half miles, in any direction, from the academy in the town of Wedowee, in Randolph county, except for medical purposes.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty nor over two hundred dollars, or sentenced to hard labor for the county for not less than two nor over six months, at the discretion of the court trying the same. ^{Penalty.}

Approved March 28, 1873.

No. 175.]

AN ACT

To prohibit any person from selling, giving away, or otherwise disposing of any spirituous, vinous, or malt liquors within two miles of the Baptist church at Louina, in Randolph county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous or intoxicating liquors within two miles of the Baptist church at Louina, in Randolph county.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, and may be confined in the county jail for not more than thirty days for each and every offense, one or both, at the discretion of the court trying the same.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved April 19, 1873.

No. 176.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of to another, spirituous, vinous or malt liquors, within a distance of two miles of the academy in Belmont, Sumter county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, no person or persons shall sell, give away, or otherwise dispose of to another, any spirituous, vinous or malt liquors within the distance of two miles in any direction, from the academy, situated in Belmont, Sumter county.

SEC. 2. *Be it further enacted,* That if any person or persons shall offend against the provisions of the first section of this act, such person or persons,

for each and every such offense, shall be guilty of a misdemeanor, and liable to be indicted, and on conviction, shall be fined not less than fifty, nor more than three hundred dollars, and on failure to pay the fine, shall be imprisoned in the county jail, or sentenced to hard labor for the county for not longer than six (6) months, at the discretion of the court trying the same. Penalty.

SEC. 3. *Be it further enacted.* That the solicitor's fee shall be twenty dollars for every conviction under this act.

Approved February 17, 1873.

No 177.] AN ACT

To prohibit the sale of spirituous liquors within two miles of the Baptist church, located at Arkadelphia, in the county of Walker.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell or otherwise dispose of any spirituous liquors within two miles of the Baptist church, located at Arkadelphia, in Walker county, Alabama; and any person so offending shall be fined not less than one hundred nor more than five hundred dollars, to be recovered before any court having jurisdiction.

Approved, April 15, 1873.

No. 178.] AN ACT

To prevent the sale of spirituous or vinous liquors, in, at, or within two miles of the village of St. Stephens, Washington county, on days of public worship.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful to sell,

or otherwise dispose of spirituous or vinous liquors in any quantity, at any house or place whatever, at, or within two miles of the court house at St. Stephens, Washington county, at any time of the day on which religious meetings, or assemblages for religious worship are held, at the village of St. Stephens, and that vicinity.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum, not less than fifty, nor more than two hundred dollars.

Approved, March 28, 1873.

No. 179.]

AN ACT

To repeal an act prohibiting the sale of spirituous liquors at or within two miles of the town of Houston, in the county of Winston, approved January 27, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act prohibiting the sale of vinous or spirituous liquors at or within two miles of the town of Houston, approved January 27, 1872, be, and the same is hereby repealed, and declared of no force, and made null and void to all intents and purposes,

Approved, April 15, 1873.

No. 180.]

AN ACT.

To authorize the Governor to grant and issue a patent to David Edwards for certain lands therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor be and he is hereby authorized to grant and issue a patent to

David Edwards for the west half of southwest quarter of sixteenth section of township two (2), range nine (9), east, of the county of Jackson.

Approved March 28, 1873.

No. 181.] AN ACT

To authorize the Governor to grant and issue a patent to David Farris for certain lands therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor be and he is hereby authorized to grant and issue a patent to David Farris for the northwest quarter of the sixteenth section of township two, range (9) nine of the county of Jackson.

Approved March 28, 1873.

No. 182.] AN ACT

To authorize the Governor to issue a patent to J. F. McDuff of Tuscaloosa county, for certain lands therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor be and he is hereby authorized and required to issue a patent to J. F. McDuff of Tuscaloosa county, for the southwest quarter and the west half of the southeast quarter of section sixteen, township seventeen, range ten west, upon the payment by said McDuff of the balance of interest due upon the original purchase money.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, conflicting with the provisions of this act, be and the same are hereby repealed.

Approved, April 16, 1873.

To enlarge the jurisdiction of the county court of Autauga county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county court of Autauga county shall have jurisdiction of all civil suits except real actions and actions sounding merely in damages concurrent with the circuit court, where the amount in controversy does not exceed one thousand dollars; and the rules of practice and manner of proceeding in said court shall be the same as in the circuit courts, except as the same may be changed by this act; and said court and the judge thereof shall have the same power and authority in the cases in which they have jurisdiction that the circuit courts have in their jurisdiction.

In civil suits
not exceeding
\$1,000.

SEC. 2. *Be it further enacted,* That the clerk of the circuit court of said county shall, by virtue of his office be clerk of said county court, and shall have the same power and authority, and required to perform the same duties, and incur the same liabilities, and shall be entitled to the same fees as in the circuit courts; and all laws and parts of laws now in force, or that may be hereafter passed in reference to the duties, liabilities or powers of clerks of the circuit courts are hereby made to apply to him as clerk of said county court.

Clerk and his
fees.

SEC. 3. *Be it further enacted,* That in all cases of misdemeanor, or when the indictment is found by the grand jury of the circuit court, it shall be the duty of the clerk to transfer such cause to the said county court, and where the party shall be arrested during the vacation of the circuit court or bound over to appear, the cause shall be placed on the trial docket of said county court, and shall stand for trial at the next term of said county court and the witnesses shall be subpoenaed to attend said county court.

Misdemeanors
and indictm'ts
transferred.

SEC. 4. *Be it further enacted,* That said county court shall hold four regular terms in each year, commencing on the first Monday in March, June, September and December, and shall hold

Terms and pro-
ceedings.

until the business is disposed of; and at each of said regular terms, a sufficient number of jurors shall be drawn, summoned and empanelled in the same manner as in the circuit courts and with like penalties for failing to attend; *Provided*, That the number of persons so summoned shall be sufficient for only two panels of seven jurors each and any deficiency that may arise from non-attendance, challengers or otherwise shall be supplied from by-standers, or as the court may direct; and all laws for the drawing or empanelling petit jurors for the circuit courts, so far as the same are applicable and not changed by this act are hereby made applicable to said county court.

SEC. 5. *Be it further enacted*, That an appeal shall lie from all judgments of said court either to the circuit or supreme court as the party taking the Appeals. appeal may elect, and in all cases of appeal to the circuit court an appeal shall lie from the judgment and decision of the circuit court to the supreme court, and all appeals from the judgments of said county court shall be governed by the laws now in force, in reference to appeals from courts of record.

SEC 6. *Be it further enacted*, That the judge of said court shall not receive any salary, but shall receive the following fees to be taxed as costs where suits are pending, and collected as other costs, in each case, to wit: For each order in the progress of a Fees of judge. cause other than a final judgment, one dollar; for administering and certifying each affidavit taken before such county judge, one dollar; for each certificate, one dollar; for taking and approving each bond, two dollars; for each writ of *habeas corpus*, one dollar; for presiding on trial of same, swearing witnesses, &c., three dollars; for granting each writ of *certiorari supersedias*, or other similar writ, one dollar; for trying each civil case when no defence is interposed, three dollars; for trying each civil case when there is a defence, five dollars, to be taxed up against the unsuccessful party and collected as other costs; in all criminal cases, the judge of said county court shall be allowed the same fees, which shall be collected in the same manner as now proved by law, in relation to the county courts; for all

other services performed by him, the same fees as are allowed to other officers in this State for similar services, and in all cases where no suit is pending, the fees shall be paid by the person for whom, or at whose request the same are performed.

SEC. 7. *Be it further enacted,* That the said judge of the county court is authorized to grant writs of *habeas corpus* in all cases authorized by law (except in felonies, which may be furnished capitally) and to hear the same either in term time or vacation, and authorized to grant writs of *certiorari* and *supersedias*, returnable to the said county court or the circuit court of said county, also is authorized to grant writs of attachment in all cases in which they could be issued by a judge of the circuit court.

Authorized to issue writ of habeas corpus.

When incompetent to preside.

SEC. 8. *Be it further enacted,* That when the presiding judge of said court is incompetent to preside in any cause pending in said court, in consequence of interest or relationship to either of the parties, it shall be lawful for the parties to agree upon any practicing attorney of said court to try the same, whose judgment when rendered shall be as binding and effectual as if rendered by the presiding judge, and when the cause is called for trial and the parties fail to agree, it shall be the duty of the clerk of such court forthwith to transfer such cause to the circuit court of the county, which transfer shall give said circuit court as full jurisdiction thereof as if said cause had been originally brought in said circuit court.

Clerk to issue executions.

Proviso.

SEC. 9. *Be it further enacted.* That it shall be the duty of the clerk of such court to issue execution upon all judgments of such county court within ten days after the adjournment of such court, returnable to the next quarterly term thereof; *Provided,* Sixty days shall intervene between the issuance and return thereof, but if less than sixty days, shall be intervening then such execution shall be made returnable to the next quarterly return thereafter.

Duty of sheriff.

SEC. 10. *Be it further enacted,* That it shall be the duty of the sheriff of said county to attend each term of said court, either in person or by a regular deputy, and shall execute all processes issued there-

from and make a return thereof, as in the circuit court.

SEC. 11. *Be it further enacted*, That it shall be the duty of the county solicitor to attend each term of said court and shall represent the State in all criminal cases pending therein, or when the State or county has an interest, and shall be entitled to the same fees as for like services in the circuit court.

Duty of solicitor.

SEC. 12. *Be it further enacted*, That an appeal shall lie from the judgments of justices of the peace to the said county court, in the same manner that they now lie to the circuit courts and with the same restrictions.

Appeals from justices' courts

SEC. 13. *Be it further enacted*, That chapter seven, title three, part four of the Revised Code of Alabama, is hereby made applicable to said court except as changed by this act, and the said county court shall not meet oftener or have any other term than the four regular terms, provided in section four of this act.

Certain part of Revised Code applicable.

SEC. 14. *Be it further enacted*, That this act shall take effect from and after its passage, and that all laws and parts of laws in conflict with the same be, and the same are hereby repealed.

Act in force at once.

Approved April 4, 1873.

No. 184.]

AN ACT

To regulate the practice in the circuit court of Baldwin county, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That the criminal docket of the circuit court of the county of Baldwin, may, at the discretion of the presiding judge of that court, be called on Thursday of the first week of the court, and witnesses in all cases not capital, shall be required to attend on such day.

Criminal docket at the first week.

SEC. 2. *Be it further enacted*, That criminal cases may be set for trial on any days of the term, by order of said court.

Cases may be set for any day.

Approved April 2, 1873.

No. 185.]

AN ACT

To require the commissioner's court of Barbour county to furnish treasurer with an office in court house.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the county commissioners of Barbour county shall be authorized and required to furnish the county treasurer the office in the south-western part of the court house of said county, which office is not occupied by any officer of said county; *Provided*, Such room shall be under the control of the county.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the above provisions of this act, be and the same are hereby repealed.

Approved, March 5, 1873.

No. 186.]

AN ACT

To amend section one of an act entitled an act to empower the Governor to appoint notaries public, so far as it relates to or affects Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act to empower the Governor to appoint notaries public, which said section is in words as follows, to-wit: Be it enacted by the General Assembly of Alabama, That the Governor of this State shall have power to appoint any number of persons as notaries public in each county and city of this State, not to exceed a number equal to the number of justices of the peace as now provided for by law for any county or city, be so amended, so far as it relates to or affects Barbour county, so as to read as follows, to-wit: Section 1. *Be it enacted by the General Assembly of Alabama*, That the Governor of the State shall have power to appoint four notaries public in the county of Barbour, and no more, to be located as follows.

to-wit: Two notaries public in the city of Eufaula in said county; one notary public in the town of Clayton, and one notary public in the town of Louisville; and that the several appointments heretofore made in and for said county, be and the same are hereby revoked and annulled.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage, and all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 19, 1873.

No. 187.]

AN ACT

For the protection of jurors in the circuit and city courts of Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioner's court of Barbour county be and is hereby authorized to borrow a sufficient amount of money the present year, to pay all jurors of the circuit and city courts of said county, for the winter and spring terms of said courts, for the year 1873, and no longer.

Authorized to borrow money to pay jurors.

SEC. 2. *Be it further enacted*, That public notice shall be given by advertisement in one or more newspapers published in said county, for thirty days, and bids received for the loaning of said money; and the bid offering said money at the lowest rate of interest till the first day of December next, shall be received; and said county of Barbour shall be held bound to pay said borrowed money and interest on said first day of December next.

Notice of loan to be advertised.

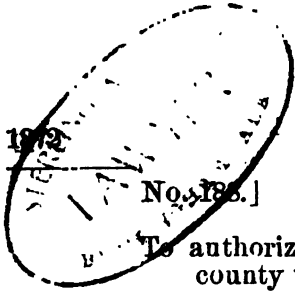
SEC. 3. *Be it further enacted*, That in all proceedings had under this act for the borrowing, collecting or paying of said money, the same laws shall govern that are now in force, except when they may conflict with the provisions of this act.

What laws govern.

SEC. 4. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved April 23, 1873.

1873



No. 188.]

AN ACT

To authorize the commissioner's court of Blount county to levy a special tax to build a jail.

Authority.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioner's court of the county of Blount be and they are hereby authorized and required to levy a special tax on the State tax for the purpose of building a jail at Blountsville, in said county.

When collected and where paid in.

SEC. 2. *Be it further enacted,* That said special tax shall be assessed and collected at the same time with the county tax, and when collected, shall be paid into the county treasury; and the said money shall not be used for any other purpose than the building of said jail.

Control and management of special tax.

SEC. 3. *Be it further enacted,* That the commissioner's court of said county shall have the control and management of said building; and shall order the probate judge of said county to draw so much of said special tax from the county treasury, from time to time, as they shall think necessary to carry on the work, until the same is completed.

Approved April 16, 1873.

No. 189.]

AN ACT

To regulate the exercise of equity jurisdiction by the circuit court of Blount county.

Equity jurisdiction regulated.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the circuit court of the county of Blount, in the State of Alabama, shall proceed in the exercise of the equity jurisdiction conferred on circuit courts by the proviso to section five of article six of the constitution of the State of Alabama: in causes in equity in which the value of the matter in controversy does not exceed five thousand dollars, now pending, or which may hereafter be commenced therein, under the same rules and regulations and in the same manner as prescribed by law for the courts of chancery in this State.

SEC. 2. *Be it further enacted,* That the clerk of said court shall act as register in said court, with the same liabilities, duties, powers and authority governing registers in chancery in this State.

Clerk to act as register.

Approved, April 15, 1873.

No. 190.] AN ACT

To authorize D. A. Hendrix, county treasurer of Blount county, to keep his office two miles and a half from the town of Blountsville, the county site of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That D. A. Hendrix, treasurer for the county of Blount, be authorized to keep his office at his residence, two and a half miles from the town of Blountsville, the county site of said county; *Provided,* That he shall be required to keep his office open in the town of Blountsville during each term of the circuit court for said county.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved April 15, 1873.

No. 191.] AN ACT

To legalize, ratify and confirm certain acts, orders and proceedings of the clerk of the circuit court of Blount county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all the acts, orders and proceedings performed, had and taken by or before the clerk of the circuit court of Blount county, in this State, acting as register in any cause or causes in equity, pending or determined in said court under the equity jurisdiction conferred thereon by the Constitution of this State, which acts, orders and pro-

ceedings were performed, had and taken in substantial compliance with the rules and regulations prescribed by law for registers in chancery in this State, be and the same are hereby in all respects legalized, ratified and confirmed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in contradiction of the provisions of this act, be and the same are hereby repealed, so far as applies to the county of Blount.

Approved April 22, 1873.

No. 192.]

AN ACT

To repeal an act to amend section 1323 of the Revised Code, approved February 13, 1871, so far as it relates to Blount county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to amend section 1323 of the Revised Code, so far as it relates to Blount county, be and the same is hereby repealed.

Approved April 19, 1873.

No. 193.]

AN ACT

To regulate the fees of the sheriff of Bullock county in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sheriff of Bullock county shall be allowed for empanelling grand juries, advertising and attending all elections in his county, and for all other public services not otherwise provided for, such sum as may be allowed by the court of county commissioners, to be paid out of the county treasury, not to exceed five hundred dollars.

Approved March 15, 1873.

No. 194] AN ACT

To regulate the organization of grand juries in Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter, so long as grand juries are by law authorized to be organized by the criminal court of Bullock county, no venire for a grand jury for the circuit court to be holden for said county shall be drawn or issued otherwise than by special order of the judge presiding in said circuit court, such order to be made only when in the opinion of the judge presiding the public good demands the same.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, in so far as applicable to said county of Bullock, be and the same are hereby repealed.

Approved April 8, 1873.

No. 195.] AN ACT

To enlarge the powers and duties of the clerk of the criminal court of Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the clerk of the criminal court of Bullock county is hereby authorized, empowered and required to issue any and all writs of attachment, and any and all other writs and process of an extraordinary nature cognizable in said court, returnable to said court, in all cases wherein, in like cases, clerks of the circuit courts are or may be authorized to issue such writs or process returnable to the circuit court, and to this end said clerk is hereby empowered and required to administer all necessary oaths, attest all necessary affidavits and approve all necessary bonds in such cases, as now or hereafter may be required to be done by clerks of the circuit courts.

Approved April 8, 1873.

No. 196.]

AN ACT

To amend section (16) sixteen of an act entitled "an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction," approved January 27, 1872.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section (16) sixteen of an act entitled an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction, approved January 27, 1872, which reads as follows: Sec. 16. Be it further enacted, That the compensation of jurors and witnesses, in said court, the fees of sheriff, bailiffs and constables, and also the clerk of said court, for services rendered, shall be the same as are now allowed by law for like services in the circuit court of Bullock county, be and the same is hereby amended, so as to read: Sec. 16. Be it further enacted, That the compensation of jurors and witnesses, in said court, the fees of sheriff, bailiffs, and constables, and also the clerk of said court, for services rendered, shall be the same as are now allowed by law for like services in the circuit court of Bullock county; and the clerk of said court for all other official duties not otherwise provided for, shall be paid from the county treasury such sum as may be allowed by the court of county commissioners of said county, not exceeding the sum of two hundred dollars per annum.

Amended.

Approved, April 21, 1873.

[No. 197.

AN ACT

To require the judge of the probate court for Calhoun county, Alabama, to hold a county court for the trial of criminals, as required by the Revised Code of the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the judge of the probate

court of the county of Calhoun be and is hereby required to hold a county court for the trial of criminals, as required by the Revised Code of the State of Alabama, commencing in the month of April, 1873, by giving the notice prescribed by section 4031 of said Code.

Approved March 28, 1873.

No. 198.]

AN ACT

To authorize J. J. N. McConnell to erect a toll bridge across the Chattooga river in Cherokee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That J. J. N. McConnell be and he is hereby authorized to erect a toll bridge across the Chattooga river at or near a place on said river known as "McConnell's Ferry Landing;" *Provided,* The building of said bridge does not obstruct the navigation of said river; that he be allowed to charge and collect the same rates of toll or fare as are fixed by the commissioner's court of Cherokee county, as the ferry rates for crossing of Coosa river, and that this franchise shall vest in him, his heirs, and assigns for and during the term of thirty years.

Authority conferred.

SEC. 2. *Be it further enacted,* That before the said J. J. N. McConnell, his heirs and assigns shall charge and receive toll for the crossing of said bridge, he must make a bond with security, payable to the judge of probate of said county and his successors in office, in the sum of one thousand dollars, conditioned, to be void if he or they shall pay all such costs and damages as any person may sustain in crossing on, or by being detained or delayed at said bridge by reason of any fault or neglect of the owners, or his or their agent or agents, and any one or more recovery in said bond, shall not impair its binding force or validity.

Bond required.

SEC. 3. *Be it further enacted,* That no charge shall be made against or toll collected of persons crossing on said bridge, who are going to or return-

Exceptions.

ing from any funeral or preaching, or going to or returning from school, or to or from public examination or exhibition.

Approved, April 23, 1873.

No. 199.]

AN ACT

To legalize the special tax levied by the county commissioners of Clarke county, on the third Monday of August, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the special tax of one hundred per cent. for building purposes, levied by the county commissioners of Clarke county, on the third Monday of August, 1872, be and the same is hereby legalized to all intents and purposes.

Approved, April 19, 1873.

No. 200.]

AN ACT.

To regulate the sessions and practice of the circuit court of Clarke county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter the terms of the circuit court of Clarke county shall commence on the fourth Monday in March and September of each year and may continue two weeks if the business of the court shall so require,

Terms:

SEC. 2. *Be it further enacted*, That witnesses in criminal cases shall be summoned to attend on Thursday of the first week, at which time all civil business may, at the discretion of the court, be suspended until the criminal docket shall have been taken up and disposed of.

Witnesses in criminal cases.

Process; when returnable.

SEC. 3. *Be it further enacted*, That all process heretofore issued, returnable to the next term of said circuit court, shall be returned to the next term as prescribed by this act.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, March 11, 1873.

No. 201.]

AN ACT

To make it lawful for the sheriff of Cleburne county to execute all processes issued by the courts of justices of the peace and notaries public, and receive the usual fees for the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be lawful for the sheriff of Cleburne county to execute all processes issued by the courts of justices of the peace and notaries public in said county, and receive the usual fees for the same, and the said sheriff shall be liable on his official bond as in cases from courts of records.

Approved, April 21, 1873.

No. 202

AN ACT

To repeal an act to regulate the finances of Coffee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act to regulate the finances of Coffee county, approved March 3d, 1870, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That an act to amend an act to regulate the finances of Coffee county, approved March 3, 1871, be and the same is hereby repealed.

Approved, March 19, 1873.

No. 203.]

AN ACT

To repeal an act to restrict the amount which may be allowed to the county officers of Coffee county for *ex officio* services.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to restrict the amount which may be allowed to the county officers of Coffee county, for *ex officio* services, approved March 3, 1871, be and the same is hereby repealed.

Approved, March 19, 1873.

No. 204.]

AN ACT

Fixing the per diem and mileage of county commissioners of Colbert county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the per diem of county commissioners of Colbert county shall be four dollars for each day of session of said commissioners, and they shall receive ten cents per mile for each mile traveled in going to and returning from each session of said commissioners.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be hereby repealed.

Approved March 24, 1873.

No. 205.]

AN ACT

To authorize the county commissioners of Clay and Coosa counties to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of the counties of Coosa and Clay be and they are hereby authorized to issue bonds for their

Authority.

respective counties payable in ten years with interest at eight per cent. payable annually.

SEC. 2. *Be it further enacted*, That the amount of bonds issued under this act shall not exceed eight thousand dollars for the county of Coosa, nor more than two thousand for the county of Clay, for the purpose of paying the indebtedness of these counties respectively, to be issued in sums not less than one hundred dollars each, with coupons attached.

Extent of issue

SEC. 3. *Be it further enacted*, That said bonds may be redeemed at any time prior to maturity, at the option of the commissioner's court, and shall be made payable to bearer at Rockford for Coosa, and at Ashland for Clay county.

Redeemable prior to maturity.

SEC. 4. *Be it further enacted*, That said bonds shall be registered in the office of the judge of probate, and in the office of the county treasurer, and signed by the judge of probate, and at least a majority of the county commissioners, and countersigned by the county treasurer, of said counties respectively.

Bonds to be registered.

SEC. 5. *Be it further enacted*, That the interest on said bonds shall be a preferred claim, and the bonds when matured shall have precedence of all other claims against these counties respectively; *Provided*, Said bonds shall not be sold for less than ninety cents on the dollar.

Interest a preferred claim.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved, March 27, 1873.

No. 206.]

AN ACT

To establish two additional voting precincts in the county of Conecuh, one at Brushy creek church, and the other at Castleberry's station.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Brushy creek church and Castleberry's station, in the county of Conecuh, be

Precincts established.

and they are hereby created and made voting precincts in said county, at which inspectors of elections shall be appointed, and elections ordered to be held in the same manner that they are at any other voting precincts in said county.

SEC. 2. *Be it further enacted*, That the officers of the said county of Conecuh, are hereby charged with notice of the creation and establishment of said voting precincts.

Approved, March 28, 1873.

No. 207.]

AN ACT

To regulate the pay of Grand and Petit Jurors of Covington county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That grand and petit jurors of Covington county shall receive one dollar per day, and mileage, as is now provided for by law.

SEC. 2. *Be it further enacted*, That this bill shall take effect from and after its passage and approval, all laws in conflict, repealed, so far as relates to the above named county.

Approved, April 10, 1873.

No. 208.]

AN ACT

To establish a Chancery Court for Crenshaw county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a new chancery district, to be called the seventh district of the southern chancery division of Alabama, be, and is hereby created, and that Crenshaw county shall constitute said district

District established.

SEC. 2. *Be it further enacted*, That the chancery court for said district shall be held at the court house of said county, by the chancellor of said division, on the third Monday in February and August in each year, and to continue for two days,

Court held at court house.

or twice annually at such other times, as he may appoint, and to continue until the business is disposed of.

SEC. 3. *Be it further enacted*, That on demand of the register of said new district, or any party interested, the register in chancery at Greenville, in the county of Butler, shall deliver to the register in chancery in said new district, upon his executing proper receipts therefor, all papers and documents pertaining to causes, suits or proceedings of any character existing against any resident of Crenshaw county, and the court of said new district shall have full and complete control thereof, and jurisdiction over such causes, suits or proceedings, and the parties thereto.

Transfer of documents.

Approved March 25, 1873.

No. 209.]

AN ACT

To amend section two of an act entitled an act to create a new chancery district out the county of Dale, approved February 18th, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two (2) of an act entitled an act to create a new chancery district out of the county of Dale, approved the 18th February, 1871, which is in the words and figures following, to-wit; "Section 2. *Be it further enacted*, That the court of said eleventh (11) chancery district, shall be held twice in each year, at the court house of the county of Dale, by the chancellor of the eastern chancery division of Alabama. on Thursday before the first (1st) Monday in May and November, or such other time as such chancellor may designate, and continue three days, or until the business is disposed of," be and the same is hereby amended so as to read as follows, to-wit: Sec. 2. *Be it further enacted*, That the court of said eleventh (11) chancery district shall be held twice in each year, at the court house of the said county of Dale, by the chancellor of the east-

ern chancery division of Alabama, on the first Monday in May and November, and continue three days, or until the business is disposed of.

Terms of court. SEC. 2. *Be it further enacted*, That said section two (2) of said act, as it stood before the passage of this act, be and the same is hereby repealed.
Approved March 22, 1873.

No. 210.]

AN ACT

To require the clerk of the Circuit Court of Dale county to set the causes upon the State docket of his court for trial on particular days.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That it shall be the duty of the clerk of the circuit court of Dale county, to set the trial causes on the State docket of his court for particular days of the term, commencing on Monday of the second week, and the witnesses in each case must be subpoenaed to attend court upon the day set for the trial of such case, and no cause in said court shall be called for trial before the day for which it is set, except by consent, and when the case is not disposed of at the first term, the witnesses must be subpoenaed for each succeeding term as aforesaid, until such case is disposed of.

Approved April 12, 1873.

No. 211.]

AN ACT

To make the fees of the late sheriff of Dallas county payable out of the general fund of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county treasurer of Dallas county, be, and he is hereby authorized and required to pay out of any monies in the treasury of Dallas county, not otherwise appropriated, the fees remaining unpaid to Marcellus DeCamp, the late

sheriff of Dallas county, for services rendered by him as such sheriff in criminal cases, where the parties convicted are ascertained to be insolvent, by return of execution against them, "no property found," and in cases where the State has entered an order of *nolle prosequi*; *Provided*, That the legal heirs of said DeCamp shall file the accounts for such services, and have the same registered by the county treasurer aforesaid. *Provided*, That before said accounts shall be paid, the same shall be audited by the commissioners court of Dallas county.

SEC. 2. *Be it further enacted*, That the commissioners court for said county shall credit said county treasurer with all monies paid out by him in pursuance of section one of this act.

Approved, April 18, 1873.

No. 212.] AN ACT

To regulate the trial of criminal causes in the circuit court of Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all criminal causes in the circuit court of Dallas county, the witnesses must be summoned to appear on Monday of the fifth week of said court, and that the criminal docket shall be taken up in said court on said Monday of the fifth week, and not before.

Approved, April 23, 1873.

No. 213.] AN ACT

To allow compensation to the tax assessor of Dallas county for making the copy of the book of assessment.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the tax assessor of Dallas county be and is hereby allowed the sum of one Appropriation.

hundred dollars for making the copy of the book of assessment, provided by section two of an act to establish additional revenue laws for the State of Alabama, approved February 26, 1872, for the past year of 1872, and the sum of one hundred dollars per annum for every succeeding year he may make such copy.

County treasurer to pay. SEC. 2. *Be it further enacted,* That such sum shall be paid by the treasurer of Dallas county out of the funds of said county, upon affidavit made by the assessor that such copy has been made and furnished by him in accordance with the law.

Approved April 23, 1873.

No. 214.]

AN ACT

To provide for an election of municipal officers for the city of Selma.

WHEREAS, The proper authorities of the city of Selma failed to hold an election for city officers for said city on the 17th day of December, 1872, as required by the charter of said city; therefore,

Election appointed. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That William H. Fellows, John White, Absalom Tooler and Wells R. Bill be and they are hereby authorized and empowered, and are required to hold an election on the first Tuesday in April, 1873, on which day there shall be elected one mayor for said city and two councilmen for each ward of said city, who shall be invested by their election under the provisions of this act with all the powers, each respectively, as are given to such officers under the charter of the city of Selma; and shall hold their offices until the third Tuesday in January, 1875, and until their successors are elected and qualified.

Managers and returning officers. SEC. 2. *Be it further enacted,* That said William H. Fellows, John White, Absalom S. Tooler and Wells R. Bill are hereby required, immediately after the approval of this act, to appoint four per-

sons, voters of said city, as managers of election for each ward, and one returning officer from each ward, who shall hold said election, as provided in this act, and make returns thereof to the aforementioned William H. Fellows, John White, Absalom S. Tooler and Wells R. Bill, who shall count the votes so polled, and declare the result, and shall issue certificates of election to those who are declared to be elected.

SEC. 3. *Be it further enacted*, That all persons who were registered or voters on the 17th day of December, 1872, in said city, and are now resident citizens of said city, are hereby declared to be legal voters of said city, and all voters who have removed from the ward in which they were registered, shall be allowed to register in the ward in which they now reside, and have resided in said ward twenty days.

SEC. 4. *Be it further enacted*, That said William H. Fellows, John White, Absalom S. Tooler and Wells R. Bill shall provide a registered list for all qualified voters to register who have changed their residence in wards and have not heretofore registered.

SEC. 5. *Be it further enacted*, That the said William H. Fellows, John White, Absalom S. Tooler and Wells R. Bill are hereby required to advertise, by giving the proper notice of such election in some newspaper published in the city of Selma.

SEC. 6. *Be it further enacted*, That in case of the disability of either William H. Fellows, John White, Absalom S. Tooler or Wells R. Bill to act, from death or otherwise, those acting may fill such vacancy.

SEC. 7. *Be it further enacted*, That the mayor and council elected under the provisions of this act, shall, before entering upon their duties as such officers, take the required oath as were required by the charter, to be administered by the mayor or any other officer authorized to administer oaths.

SEC. 8. *Be it further enacted*, That all laws and parts of laws controverting the provisions of this act, are hereby repealed.

Approved March 14, 1873.

No. 215.]

AN ACT

To ratify and confirm an ordinance adopted by the mayor and council of the city of Selma, on the 21st of June, 1872, and the amendments thereto, authorizing the construction of street railways in the city of Selma.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an ordinance adopted by the mayor and council of the city of Selma, on the 21st day of June, 1872, and the amendments thereto, be and the same are hereby in all things ratified and confirmed as fully and completely as if adopted by virtue of an act of the General Assembly of Alabama, authorizing the same.

Approved April 23, 1873.

No. 216.]

AN ACT

To extend the time for making assessments of taxes for Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the tax assessor of Dallas county be allowed until the first of July in each and every year to make out and complete the assessment of taxes for said county.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved April 23, 1873.

No. 217.]

AN ACT

To authorize David D. Hughes, of DeKalb county, to erect a dam across Big Will's creek, in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That David D. Hughes, of the county of DeKalb, is authorized to erect a dam

across Big Will's creek in said county, on the middle third of S. E. $\frac{1}{4}$, section 28, township 7, range 8, the said Hughes being owner in fee simple of said land on both sides of said creek; *Provided*, That said dam shall not be raised higher than to secure three feet of perpendicular water; *Provided, further*, A private ford on said land, across said creek, over which Alexander McCoy has the right of way, shall in no wise be obstructed by said dam; *And provided, further*. That said Hughes will place and keep in good condition another ford on said stream, above said dam, so as not to obstruct the right of way of the public travel.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved March 25, 1873.

No. 218.]

AN ACT

To repeal an act therein named and described.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act "to authorize the court of county commissioners of DeKalb county to levy a tax to pay off the indebtedness of said county," which is in the following words and figures, to wit: Section 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of DeKalb county are hereby authorized to levy a tax upon the State tax not exceeding two hundred per cent., for the purpose of paying off the indebtedness of said county, approved Feb. 21, 1872, be and the same is hereby repealed.

Approved March 15, 1873.

No. 219.]

AN ACT

To repeal an act entitled an act requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act "Requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county," approved February 26, 1872, be and the same is hereby repealed.

Approved March 28, 1873.

No. 220.]

AN ACT

To provide for the location of the Court House in the county of Fayette.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That George W. Julian, Dr. W. R. Willingham, Thomas P. McConnell, Thomas D. Enis and Thadeus Walker, senior, be and they are hereby constituted a board of location, whose duty it shall be to select such place or places as to them may seem eligible for the location of the court house of the county of Fayette, and they shall report as soon as practicable the place or places deemed by them to be suitable for the location of said court house to the court of county commissioners for said county.

Board of location.

Vacancy: how supplied.

SEC. 2. *Be it further enacted*, That in case a vacancy should occur in said board of location, by the death, removal from the county, or refusal to serve on the part of any of its members, then and in either event, the judge of probate shall appoint such person as he may deem proper to fill such vacancy, and shall issue to the person so selected a certificate (under his hand and seal as said probate judge) of such appointment.

Meeting and organization of the board.

SEC. 3. *Be it further enacted*, That the member of said board of location shall meet at Fayette court house in said county, upon a day to be designated by the judge of probate for said county and of which time, said probate judge shall cause them to be notified; and after taking an oath to honestly and faithfully discharge the duties incumbent upon

them and not to be influenced by any other considerations than the good of said county, and the interest and the convenience of the people thereof, shall proceed to select one of their number as chairman of said board, and another as secretary, and all acts and communications certified to by the chairman and attested by the Secretary, shall be taken and deemed to be the acts of said board, and shall have validity as such.

SEC. 4. *Be it further enacted,* That the report provided for by section one of this act, shall be delivered by the secretary of said board properly attested as provided for in section three of this act, to the probate judge for said county, whose duty it shall be to endorse upon said report, the date when delivered to him and the same shall place before the court of county commissioners, at the first regular term after said report shall have been received ; and it is hereby made the duty of said court of county commissioners, to order an election to be held at the various precincts in said county, not less than thirty days after the term of the court, when such order is made, by the legally qualified electors of said county, for the purpose of ascertaining the wish of the people as to the the removal of the court house, and the place to be selected for its location.

Court of county commissioners to order an election.

SEC. 5. *Be it further enacted,* That at the election provided for in section four of this act, the electors shall vote by ballot, and the ballot shall be written or printed, or partly written and partly printed upon a piece of white paper with the words: "For removal to" (here inserting the name of the place voted for) or "against removal." And all the votes cast "against removal" shall be counted by the precinct inspectors, and so reported by them, as cast in favor of keeping the court house at its present location ; and if a majority of the entire vote cast, shall be in favor of removal to the place, or to one of the places named in the order of election, then the said court of county commissioners shall make and cause to be published in a newspaper, published in said county, an order declaring that the court house for said county, has been permanently located at the place receiving such majority

The election..

of the entire vote cast ; but if a majority of the electors at such election shall vote "against removal," then said court of county commissioners, shall declare by an order, made and published as hereinbefore required, that the county site of said county is, and shall remain unchanged. But should it happen that neither one of the places voted for shall receive a majority of the entire vote cast, then and in that event, the judge of probate shall forthwith order an election to be held, on the first Tuesday after the expiration of thirty days, from said first election ; and he shall require the electors of said county to decide at which one of the two places receiving the highest number of votes at the first election, the said court house shall be located. And it shall not be lawful for an elector to vote for any other place, than one of the two designated by the judge of probate in his order for said second election.

Order of election: how published and what provide for.

SEC. 6. *Be it further enacted*, That the order for the election made by the court of county commissioners, as provided for in section four of this act, shall designate the places which have been reported by the board of location, and which may be voted for by the electors ; and that such order shall be published in a newspaper, published in said county, and be posted at one or more public places in every precinct in said county ; and it shall be the duty of said court of county commissioners to designate the inspectors and returning officer for the several precincts in said county ; *Provided*, That the sheriff shall be the returning officer at the court house ; and it shall be the duty of the sheriff of said county to cause the polls to be opened on the day designated in said order, and an election held at each of the several precincts in said county, which election shall, in all respects, be conducted as elections for members of the General Assembly, and the inspectors, supervisors, and clerks and returning officers, shall be subject to like penalties for a violation of any of their duties. The returns of said election shall be made to the same persons, and in the same manner as the returns of other elections, are required to be made by the election law of this State.

SEC. 7. *Be it further enacted,* That no person shall be eligible to vote in said election who is not legally entitled to vote for members of the General Assembly, and any person voting illegally at said election, or voting more than once in said election, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred dollars. Who ineligible to vote.

SEC. 8. *Be it further enacted,* That any person offering to vote in said election, not known to be a qualified elector, may be challenged by the returning officer, or by any qualified elector; *Provided,* That such election shall not be delayed by such challenge, but that the inspectors shall provide to receive other votes, until after the oath hereinafter provided for, has been administered by the returning officer, or by one of the inspectors. Challenges.

SEC. 9. *Be it further enacted,* That when any person offering to vote in said election is challenged (if his ballot be not withdrawn) one of the inspectors or the returning officer for the precinct, at which said ballot is offered, must administer or offer to administer to the person challenged, the following oath, to-wit; "You do solemnly swear that you are over the age of twenty-one years (or have reached that age as the case may be,) that you are a qualified elector under the constitution and laws of the United States and of the State of Alabama; that you have resided in this State six months, and in this county for three months next preceding this election, and that you have not voted at this, or any other precinct this day." And the person taking said oath may then proceed to cast his ballot, in said election, and the inspectors shall receive and deposit it as in other cases. Oath.

SEC. 10. *Be it further enacted,* That any person wilfully and corruptly taking the oath prescribed in section nine of this act, shall upon conviction be punished by a fine of not less than one hundred dollars, nor more than two hundred dollars, at the discretion of the jury trying the same. Penalty.

SEC. 11. *Be it further enacted,* That if any person offering to vote at said election, refuse to take the oath prescribed in section nine of this act, his Vote to be rejected.

vote shall be rejected by the inspectors of election for the precinct at which it is offered.

Commissioner
to be appointed

SEC. 12. *Be it further enacted*, That if either of the places voted for (other than the present location) shall receive a majority of the entire vote cast, then and in that event, the said court of county commissioners, shall appoint a commissioner, whose duty it shall be to purchase, or receive by donation, a fee simple title to such parcel or parcels of land as may be required for county purposes, at the place so selected by the people for the location of said court house, and the title so conveyed to the said commissioner shall vest in the said county of Fayette.

Erection of
suitable build-
ings.

SEC. 13. *Be it further enacted*, That so soon as it is ascertained (by the result of the election herein provided for) that the people of said county of Fayette, desire to change the location of the court house, and have selected a location deemed by them more eligible than the present one, it shall be the duty of the court of county commissioners to cause to be erected, at such selected place, suitable buildings for a court house, and jail for said county; and said court shall have authority, if they deem it best, to issue county bonds of said county, to an amount not exceeding ten thousand dollars, to be due and payable in ten years from the date thereof, with coupons attached, bearing eight per centum interest per year, and the said bonds, or the proceeds thereof shall be used in defraying all of the expenses arising from the removal of the court house from its present, to the selected location; the coupons attached to said bonds, shall be receivable, when due, for all county taxes and dues of every character.

Discretion as
to bonds, or
levy of a tax.

SEC. 14. *Be it further enacted*, That it shall be left at the discretion of the court of county commissioners, to issue the bonds provided for in section thirteen of this act, or to levy a special tax for that purpose; but it shall be the duty of said court to levy a special tax to pay the interest due upon said bonds, if issued, and to provide for their payment, when the same shall fall due.

SEC. 15. *Be it further enacted*, That so soon as the buildings provided for in section thirteen of this act, shall have been erected and accepted by the

judge of probate for said county, it shall be the duty of the county treasurer to cause to be transported to the selected location, all books, papers, furniture and other personal property belonging to said county, and now in use at the present court house; and shall pay for all such expenses out of any funds belonging to said county in his hands, and shall receive credit from the court of county commissioners for such disbursements; *Provided*, They be reasonable and just.

Transfer to the new buildings.

SEC. 16. *Be it further enacted*, That in case the location of the court house for said county should be changed as provided for by the terms of this act, then it shall be lawful for said commissioners' court to make such disposition of the real property and buildings owned by said county, in the town of Fayette court house, as they may deem best for the interest of their county.

Disposition of present real property and buildings.

SEC. 17. *Be it further enacted*, That the bonds issued under the provisions of this act, must be made payable at some point to be designated by the judge of probate, and shall be negotiable, and may be issued in the sum or sums of one hundred dollars, or any multiple thereof, not to exceed one thousand dollars.

Relative to bonds authorized.

SEC. 18. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act, shall not be valid until the same have been signed by the county treasurer, and countersigned by the judge of probate, and sealed with the seal of said county of Fayette.

How prepared.

SEC. 19 *Be it further enacted*, That the county treasurer for said county, shall keep an account of all the bonds issued under the provisions of this act; and shall keep a separate account for all moneys received by him from the special tax (to be imposed and collected under the terms of this act,) and shall account to the court of county commissioners therefor, at such times as they may direct.

Account of bonds kept by county treasurer.

SEC. 20. *Be it further enacted*, That the bonds issued under the provisions of this act, shall be exempt from the tax on seals, and from all State and county taxes.

Bonds exempt from tax.

Authority of
county com-
missioners.

SEC. 21. *Be it further enacted,* That the commis-
sioners' court for said county, are hereby authorized
to do any and all things authorized under the pro-
visions of this act, which may be necessary to carry
out the powers granted by this act, either through
themselves, or by an agent or agents duly appointed
by them for the purpose, at any term of said court,
whether regular or special ; and done at a special term
of said court, the proceedings shall be as valid to all
intents and purposes, as if done at a regular term of
said court, and no technical informality or irregular-
ity, neglect or omission in the proceedings or records
of said court, shall in any wise vitiate or annul said
bonds or the coupons attached to them, but the same
shall have all the protection extended by law to
commercial paper.

People to be
notified.

SEC. 22. *Be it further enacted,* That so soon as
the buildings provided for in section thirteen of this
act, shall have been accepted by the probate judge,
it shall be the duty of said officer to notify the people
of said county, by advertisement in a newspaper
published in said county, that the public offices have
been removed to said selected location, and that from
and after the date of said notification all courts of
law and equity for said county, and the court of
county commissioners will be held at such selected
court house.

Compensation
of the board of
location.

SEC. 23. *Be it further enacted,* That the mem-
bers of the board of location shall receive as com-
pensation for their services, the sum of two dollars
per day, for each and every day during which said
board shall actually serve, and mileage at the rate
of five cents per mile for every mile travelled in go-
ing to, and returning from and meeting of said board
and in seeking for the location herein provided for ;
Provided The compensation herein provided for
shall be paid out of any moneys in the treasury of
Fayette county not otherwise appropriated, upon
the warrant of the judge of probate, by the order of
the court of county commissioners ; And *Provided
further,* That a majority of said board shall consti-
tute a quorm for the dispatch of business.

Approved March 28, 1873.

No. 221.]

AN ACT

To repeal an act entitled an act to put in force certain provisions of the Revised Code, relative to the publication of legal and other notices so far as relates to Franklin county and Colbert county, which reads as follows :

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all laws and parts of laws of the Revised Code of Alabama, and all sections and parts of sections, of said Revised Code, relating in any manner to the publication of legal or other notices or advertisements be, and the same are hereby declared to be in full force and effect in the counties of Pike, Lee, Tallapoosa, Coosa, Franklin, Colbert, Conecuh, Greene, and Pickens, until repealed by this or some succeeding legislature, be and the same is hereby repealed, so far as it relates to Franklin county and Colbert county.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved April 22, 1873.

No. 222.]

AN ACT

To amend section one of an act entitled an act to regulate the enclosure of stock in a portion of the county of Green, therein described, approved February 14th, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to regulate the enclosure of stock in a portion of the county of Greene, therein described, approved February 14, 1872, which is in words and figures as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That chapter eight (8), title thirteen (13), part one, of the Revised Code of Alabama, shall not apply to the following por-

tion of the county of Greene, bounded and defined as follows, to-wit: Beginning at a point known as Finches Ferry, on the Warrior river, and running along the public road from said point to the corporate limits of the town of Eutaw, thence by the eastern boundary of said town to the southern boundary, thence by the said boundary to its western boundary, thence along said western boundary to the Eutaw and Clinton road, thence along the Eutaw and Clinton road to Trussell's creek, thence along said creek to the Bigbee river, thence along said river to its confluence with the Warrior river, thence up said river to the beginning, at Finches Ferry, as aforesaid," be, and is hereby amended so as to read as follows: Beginning at a point known as Choctaw Bluff, on the west branch of the Warrior river, where section line between 23 and 26, township twenty-one (21), range two, east, strikes the river, and running thence west along the section line on the southern boundary of sections 23, 22, 21, and 20, township 21, range 2, east, until it intersects the Eutaw and Daniels Prairie road, thence north along said road until it strikes the corporate limits of the town of Eutaw, at the southern boundary, thence by said boundary to its western boundary, thence along said boundary to the Eutaw and Clinton road, thence along the Eutaw and Clinton road to Trussell's creek to Bigbee river, thence along said river to its confluence with Warrior river, thence up said river to the beginning at Choctaw Bluff, as aforesaid.

SEC. 2. *Be it further enacted*, That section one so amended, be, and the same is hereby repealed.

Approved April 10, 1873.

No. 223.]

AN ACT

To make Haysville a precinct voting place in Green county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commis-

sioners of Greene county, be and is hereby authorized and required at their next regular meeting to make Haysville, in said county, a precinct, or a regular voting place, and provide a ballot box for the same.

SEC. 2. *Be it further enacted*, That the probate judge, sheriff, and circuit clerk of said county, shall appoint three inspectors, one returning officer, and two challengers, as is now provided by the election law, and to perform all the duties as required of them in other precincts, and shall be liable to the same penalties for failing to perform their duties.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in contravention with this act, be, and the same are hereby repealed.

Approved March 28, 1873.

No. 224.]

AN ACT

To amend an act to repeal an act entitled an act to appoint an additional surveyor for the county of Jackson.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act approved January 30, 1839, entitled an act to appoint an additional surveyor for the county of Jackson, be and the same is hereby repealed, and hereafter said county of Jackson shall be entitled to one county surveyor, be and the same is hereby amended so as to read as follows, viz.: That an act approved January 30, 1839, entitled an act to appoint an additional surveyor for the county of Jackson, be, and the same is hereby continued in force, and hereafter the county of Jackson shall be entitled to two county surveyors.

Approved, March 14, 1873.

No. 225.]

AN ACT

In relation to the public schools of the city of Birmingham.

Taxes authorized. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the 1st day of January, 1874, there shall be annually collected in the city of Birmingham, in Jefferson county, Alabama, for the support of public schools in said city, to be appropriated and disbursed under the direction of the superintendent of education of said city, the following taxes:

1. On all subjects of taxation embraced in the revenue laws of the State, except licenses, an amount equal to one-fourth of the amount levied by the commissioners of revenue of Jefferson county, for the county tax of the county. This tax shall be collected by the general tax collector at the same time and in the same manner as the State and county tax, and by said collector paid to the superintendent of education of said city, taking his receipt therefor.

2. A tax of one-half of one per cent. upon all property sold at auction in said city, except upon judicial sales. This tax is declared to be levied by notice of this act, and it is hereby made the duty of each and every auctioneer in said city to keep a correct account of all sales thus made by them, and to report the same monthly to the superintendent of education for said city, and shall pay over to said superintendent of education the amount of tax due thereon. Any auctioneer neglecting or refusing to perform the duties herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars, for the use of said public schools of said city.

3. The following license taxes shall be collected by the judge of probate of said county in said city of Birmingham, for the use of the public schools, at the same time and in the same manner that he collects the license taxes for the use of the State and county. For every dramatic or other show or per-

formance, \$20 ; for every circus, \$25 ; for every exhibition of feats of agility, legerdemain, \$10 ; for every cock fight, \$25 ; for every exhibition of wax figures, or tableaux, \$10 ; for every musical concert, \$10 ; for every show or amusement for money not named here \$5 ; for retailing spirituous or malt liquors, \$50 ; for every nine-pin or other alley, \$10 ; for every billiard, pool or bagatelle table, \$25 ; for every lottery wheel or office, \$50. The licenses herein provided shall authorize the employment or exhibition therein named for the space of one year from their date, except as is herein otherwise declared. The taxes herein provided are independent of the taxes by any law directed to be collected for the use of the State and county.

SEC. 2. *Be it further enacted*, That if any person required to pay a license under the provisions of this act, shall presume to do without license first obtained, he or they shall be guilty of a misdemeanor, and on conviction thereof must be fined not less than three times the amount of the license required, one-third for the use of the city, and the remainder for the use of the public schools of said city of Birmingham.

SEC. 3. *Be it further enacted*, That the judge of probate must keep a correct list of all licenses granted under the provisions of this act, which list shall always be subject to the inspection of the superintendent of education of said city, and he shall pay over to said superintendent of education of said city of Birmingham, whenever by him requested, all moneys collected by him under the provisions of this act, for the use of said public schools for said city, reserving for his compensation three per cent. on the amount by him received. For failure in his duties as herein required, the said judge of probate shall forfeit to the said superintendent of education for said city of Birmingham three times the amount of money by him received for the use of said public schools, to be recovered by motion in any court of the county having jurisdiction, and the sureties on the official bond of said judge of probate for Jefferson county, shall be liable upon any judgment thus rendered.

Penalty for failure to pay license.

Duty of probate judge.

Poll tax.

SEC. 4. *Be it further enacted*, That every male-inhabitant of said city of Birmingham, between the ages of twenty-one and sixty years, shall pay annually, after the first day of January, 1874, the sum of two dollars as poll tax for the use of public schools for said city of Birmingham, which said tax shall be collected by the tax collector of said county, at the same time and in the same manner as the State and county taxes are collected, and shall be paid over by him to the superintendent of education of said city, upon the request of the said superintendent of education, and upon the failure of such collector to pay over such taxes so collected for the use of said public schools, he shall forfeit three times the amount so collected, to said superintendent for the use of said public schools, to be recovered by motion in any court of the county having jurisdiction thereof. The sureties on the official bond of such collector shall be liable to such judgment.

Assessment of poll tax.

SEC. 5. *Be it further enacted*, That the poll tax hereby levied shall be assessed by the direction of the mayor and aldermen of said city, and such assessment delivered to the tax collector by the first day of September in each and every year after the first day of January, 1874.

Question to be submitted first

SEC. 6. *Be it further enacted*, That before the provisions of this act shall go into effect, the question of "tax" or "no tax," shall be submitted to all qualified voters of said city of Birmingham, on the first Monday in August, 1873, and if a majority of said voters shall vote for said "tax," then and in that event this act shall go into effect, but if a majority voting in said election shall vote "no tax," then this act shall not go into effect.

Election: how advertised and held.

SEC. 7. *Be it further enacted*, That said election shall be administered and held in every respect in the same manner as elections for mayor and aldermen are required to be held under the charter of said city. The election shall be by ballot, and the ballot shall be a white piece of paper, upon which shall be written or printed the words "tax" or "no tax."

SEC. 8. *Be it further enacted*, That if a majority of the qualified voters of said city, voting on the

question, shall vote for said tax, then it shall be the duty of the managers of said election to proclaim the ratification of this act, and if a majority shall vote against said tax, then such managers shall proclaim the rejection of this act.

Proclamation
by the manager

SEC. 9. *Be it further enacted*, That all laws in conflict with this act are hereby repealed.

Approved April 22, 1873.

No. 226.] AN ACT

To establish election precincts in the county of Jefferson, at Irondale and Ironton.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at all general and special elections in the county of Jefferson, after the passage of this act, it shall be the duty of the court of county commissioners of said county, to order that ballot boxes be opened at Irondale and Ironton, in said county.

Approved April 15, 1873.

No. 227.] AN ACT

To submit to the vote of the people of Jefferson county, the question of the removal of the court house from Elyton to Birmingham, and in case the people decide in favor of such removal empowering the court of county commissioners of said county to erect the court house and other public buildings at Birmingham, and authorizing said court in order to raise means, for that purpose to issue bonds of said county, upon certain conditions therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be an election held at the different precincts and in the city of Birmingham. Election to be held.

ham in Jefferson county, on the first Monday in May, 1873, for the purpose of permanently locating the court house for said county.

How ordered
and conducted.

SEC 2. *Be it further enacted*, That it shall be the duty of the sheriff of Jefferson county, on the first Monday of May, 1873, having given thirty days notice by advertisement as required by law in general elections in this State, to cause the polls to be opened and an election held at the different precincts in said county and in the city of Birmingham, in said county, which shall be conducted in all respects as elections for members of the General Assembly. The managers and clerks shall be appointed as they are at other elections, and shall each take the oath prescribed for managers and clerks at general elections, and shall be subject to like penalties for a violation of any of their duties. The returns of said elections shall be made to the same person and in the same manner as the returns of other elections are required to be made by the election laws of this State, and upon the coming in of said returns, it shall be the duty of the board of supervisors to count, compare, and add up all the votes polled; and if it shall appear that either place voted for shall have received a majority of all the votes polled, they shall declare such place the permanent seat of justice for Jefferson county.

Eligibility of
voters.

SEC. 3. *Be it further enacted*, That no person shall be eligible to vote in said election, who is not legally authorized to vote for members of the General Assembly, and any person voting illegally at said election, or voting more than one time in said election, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred, nor more than five hundred dollars, and may be imprisoned in the county jail not exceeding twenty days, at the discretion of the court trying the same, and said election may be contested by any elector in said county, for fraud, gross mismanagement or illegal voting, in the same manner as near as may be, as such contests in elections for judge of probate are now conducted.

SEC. 4. *Be it further enacted*, That any person offering to vote in said election, not known

to be a qualified elector, may be challenged by the returning officer or any qualified elector. *Provided*, That such election shall not be delayed by such challenge, but that the inspectors shall proceed to receive other votes until the oath, as hereinafter provided, is being administered by one of the inspectors.

Challenges.

SEC. 5. *Be it further enacted*, That when any person offering to vote in said election is challenged, if his ballot is not withdrawn, one of the inspectors or managers must administer or tender him the following oath: You do solemnly swear that you are twenty-one years of age or upwards; that you are a qualified elector under the laws and Constitution of the United States and of this State; that you have resided in this State six months next, and in this county for three months next preceding this election, and that you have not voted at this or any other precinct this day. And upon such oath as aforesaid the ballot of such person shall be received and deposited as in other cases.

Oath.

SEC. 6. *Be it further enacted*, That any person wilfully or corruptly taking this oath, the same being false, shall be deemed guilty of perjury, and on conviction thereof shall be punished by imprisonment in the penitentiary for not less than two nor more than five years at the discretion of the jury trying the same.

Penalty for false swearing.

SEC. 7. *Be it further enacted*, That if any person offering to vote refuses to take the oath prescribed by the preceding section of this act, his vote shall be rejected.

Certain voter to be rejected.

SEC. 8. *Be it further enacted*, That the town of Elyton and city of Birmingham shall alone be in nomination, and the place receiving a majority of the votes cast shall be the permanent seat of justice for said county. Each voter shall have printed or written upon his ticket "Elyton" or "Birmingham."

Places in nomination.

SEC. 9. *Be it further enacted*, That any officer or person who shall fail or refuse to perform any duty by this act enjoined, either in opening, holding, managing or returning said election, or who shall do any act or thing whereby the object of this act shall be defeated, such officer or person shall be deemed guilty of a misdemeanor, and on conviction thereof shall

Penalty on officers of the election.

be fined not less than one hundred dollars, and may be imprisoned in the county jail not exceeding twenty days, at the discretion of the court trying the same.

Commissioners appointed.

SEC. 10. *Be it further enacted*, That if at said election it shall appear that Birmingham has received a majority of all the votes cast, then and in that event, J. C. Morrow, B. Gully, Jas. O. Conner, S. H. Duprey and John L. Ellison be and are hereby appointed commissioners, whose duty it shall be, and they are hereby authorized and required, to purchase and receive by donations a fee simple title to and in said city of Birmingham, so as to vest the title in the said county of Jefferson, whenever a court house and county jail may be erected, as hereinafter provided.

Duty of county commissioners

SEC. 11. *Be it further enacted*, That in the event it is ascertained that Birmingham has received a majority of all the votes cast in said election, it shall be the duty of the county commissioners to provide some suitable building in said city of Birmingham for a temporary court house, and as such building is provided all books, papers and public records belonging to the offices of the clerk of the circuit court, judge of probate, register in chancery and sheriff of said county shall be transferred from Elyton to Birmingham, and all the courts, circuit, chancery, probate, county and county commissioners, shall be held in said city of Birmingham.

Suitable court house and jail to be erected.

SEC. 12. *Be it further enacted*, That in event Birmingham is declared the permanent seat of justice for the county of Jefferson, under said election, then, and in that event, it shall be the further duty of the court of county commissioners for said county to cause to be erected upon the lot or lots selected by the commissioners mentioned in the 10th section of this act, a suitable court house and county jail, at as early a day thereafter as practicable.

Property in Elyton to be sold.

SEC. 13. *Be it further enacted*. That in the event the permanent seat of justice of said county is removed to Birmingham, then it shall be the further duty of the court of county commissioners for said county to sell at public outcry, or at private sale, as they may deem best, for the interest of said county, all the lands belonging to said county, located in the

town of Elyton, and the proceeds of the sale to invest in the public buildings aforesaid, in the city of Birmingham, and the same commissioners are hereby authorized and empowered to execute a deed conveying the title of said county to said lands, to the purchaser or purchasers thereof.

SEC. 14. *Be it further enacted*, That in order to procure the means to carry out the objects of the 12th section of this act, the commissioners court for said county shall have the authority, and are hereby authorized, empowered and required to issue the bonds of the county of Jefferson, to an amount not exceeding twenty five thousand dollars, or as much thereof as they may deem necessary, for the purposes aforesaid, payable at such time or times as said court may agree upon, not exceeding ten years from the date of issuance, with coupons attached, bearing interest at the rate of ten per cent. per annum, payable to bearer, and receivable in payment for all county taxes.

Authority to issue bonds or to levy a special tax.

SEC. 15. *Be it further enacted*, That the bonds issued under the provisions of this act must be made payable at such place as the court of county commissioners may agree upon, and shall be negotiable and may be issued in the sum or sums of one hundred dollars.

Relative to the bonds.

SEC. 16. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall not be valid until the same have been signed by the county treasurer and countersigned by the judge of probate, and the seal of the county affixed thereto, and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act.

How signed etc.

SEC. 17. *Be it further enacted*, That the bonds issued in accordance with this act shall be exempt from the tax on seals and all State and county taxes.

Exempt from tax.

SEC. 18. *Be it further enacted*, That the commissioners court of said county are hereby authorized to do any and all things authorized under the provisions of this act which may be necessary to carry out the powers granted by this act, either through themselves or any agent or agents duly appointed by them for that purpose at any time of said court,

Authority of county commissioners.

whether regular or special, and if done at a special term of said court, its proceedings shall be as valid to all intents and purposes as if done at a regular term. And no technical informality, irregularity, neglect, or omission in the proceedings or records of said court shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Special tax for interest.

SEC. 19. *Be it further enacted*, That in order to meet the interest upon said bonds as it falls due, and the principal at maturity, the said court of county commissioners are hereby authorized and required to levy a special tax from time to time upon all the property, licenses, and business subject to a State tax under the revenue laws of this State, situated or located within the limits of said county.

Approved March 5, 1873.

No. 228.]

AN ACT

To authorize the court of county commissioners of Lauderdale county to issue bonds for the purpose of paying the indebtedness of the county, and for other purposes.

Authority.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of the county of Lauderdale be and they are hereby authorized and empowered to issue bonds in the sum of fifty dollars, and one hundred dollars each, for the purpose of paying off the indebtedness of said county.

Relative to the issue.

SEC. 2. *Be it further enacted*, That the court of county commissioners of said county may issue said bonds as prescribed in section one of this act, to run not more than ten years, and to draw interest at not more than eight per cent. per annum, and to an amount not to exceed thirty thousand dollars, as the interest of the county may require.

How prepared.

SEC. 3. *Be it further enacted*, That all bonds issued under this act shall be signed by the treasurer and countersigned by the probate judge of said county, and shall have attached thereto coupons,

signed and numbered to correspond with the bond, setting forth the amount of interest which will be due at the time named in said coupons, which coupons, when due, shall be receivable in payment of any dues to said county, and both bonds and coupons, when due, shall be paid out of the county treasury whenever presented to the treasurer.

SEC. 4. *Be it further enacted*, That the bonds issued as prescribed in this act, or the proceeds arising from the sale of the same shall not be used for any other purpose than to pay off and discharge the present indebtedness of said county, both matured and unmatured, and it shall be the duty of both the county treasurer and the court of commissioners to guard this section.

Not be used for any other purpose.

SEC. 5. *Be it further enacted*, That the treasurer of said county shall keep a book of registration in which he shall keep the number, description and amount of all bonds issued by him under the provisions of this act, and he shall issue said bonds on the order only of the court of county commissioners of said county.

Registry to be kept by the treasurer.

SEC. 6. *Be it further enacted*, That the said court of county commissioners shall have power, and it is hereby made their duty to levy from time to time, for each and every year, and in conjunction with the tax that would otherwise be levied for county purposes for such year, a sufficient additional tax to pay at maturity all interest and principal of said bonds that may become due within that year, and said additional tax shall be collected in the same manner and by the same officer as other taxes for county purposes, and after collection shall be kept separate and apart from all other money in the treasury, and shall not be used for any other purpose than for the payment of bonds and coupons issued under the provisions of this act; *Provided*, That if after all of said bonds and coupons that may fall due in any year shall have been paid off, there should remain in the treasury any of said additional tax collected for that year, then such remainder of said additional tax may be applied to the payment of any other dues against said county.

Special tax to be levied.

Approved, March 14, 1873.

No. 229.]

AN ACT

To amend sections 14, 16, and 17 of an act entitled "an act to establish an inferior court of record, in the town of Courtland, Alabama," approved January 2, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 14, 16, and 17 of an act entitled "an act to establish an inferior court of record in the town of Courtland, Alabama," which reads as follows, to-wit :

Recitation.

"Section 14. Be it further enacted, That the compensation of witnesses and persons in said court of law and equity, the fees of sheriff, bailiff and constable, and also the clerk and register of said court, for services rendered, shall be the same as are now allowed by law for like services in the circuit and chancery courts of this State."

"Section 16. Be it further enacted, That the fines and forfeitures in said court be paid to the clerk of said court of law and equity to be held by him subject to the order of the judge of said court for the payment of the expenses of said court; and if that be insufficient, that one thirtieth of one per cent. shall be levied by the commissioners' court upon all the taxable property north of said township line, in said county of Lawrence, Alabama, and that the same be collected by the tax collector of said county, to be paid to the clerk of said court for the purpose of defraying the expenses of said court, upon said clerk entering into bond and security, payable to said tax collector in double the amount of the tax collected."

"Section 17. Be it further enacted, That terms of said court of law and equity shall be held on the first Monday in February, and the first Monday in August of each year, and may continue six days at each, and at such other times as the judges of said court may direct after giving thirty days' notice of the holding thereof by advertisement in some newspaper published in said county of Lawrence, Alabama," be so amended as to read as follows, to-wit :

Section 14. Be it further enacted, That the compensation of witnesses and persons in said court of law and equity, the fees and compensation of sheriff, bailiff and constables, and also the clerk and register of said court, for services rendered, shall be the same as are now allowed by law for like services to the circuit and chancery courts of this State.

Section 41
amended.

Section 16. Be it further enacted, That the fines and forfeitures of said court be paid to the clerk of said court of law and equity, to be held by him subject to the order of the judge of said court for the payment of the expenses of said court, and if that be insufficient, that one-twentieth of one per cent. shall be levied by the commissioners' court of Lawrence county upon all the taxable property north of said line, between townships five and six in said county of Lawrence, Alabama, and that the same be collected by the tax collector of said county, to be paid to the clerk of said court for the purpose of defraying the expense of said court, upon said clerk entering into bond and security, payable to said tax collector in double the amount of the tax collected.

Section 16
amended.

Section 17. Be it further enacted, That terms of said court of law and equity shall be held on the first Monday in February, and the first Monday in August of each year, and may continue two weeks at each term, or until the business of the term is completed. Special terms of the said court may be held at such other times as the judge of said court may direct, after giving thirty days' notice of the holding thereof by advertisement in some newspaper published in said county of Lawrence, Alabama.

Section 17
amended.

SEC. 2. *Be it further enacted,* That sections 14, 16, and 17, as they now stand in the above mentioned act, be and the same are hereby repealed.

Approved March 14, 1873.

No. 230.]

AN ACT

To regulate the mode of drawing grand and petit jurors for Lawrence county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That the lists hereafter procured by the sheriff, of the householders and free holders, from which are to be drawn by the proper officers, regular grand and petit jurors for Lawrence county, according to the provisions of article 1, chapter 8, title 3, part 4, of the Revised Code of Alabama, shall not include householders and freeholders in said county, residing within the territorial limits of the jurisdiction of the law and equity court of Lawrence county.

Approved, April 23, 1873.

No. 231.] AN ACT.

For the protection of game in Lawrence county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person or persons to kill, trap, net, or ensnare any deer, fawn, partridge, quail, rabbit, or hare between the first day of April and the first day of September in each year, in Lawrence county, Alabama.

Unlawful: with-
in what period.

Penalty.

SEC. 2. *Be it further enacted,* That any person or persons who shall wilfully violate section one of this act shall forfeit and pay not less than five nor more than twenty dollars for each and every offence, or may be sentenced to hard labor on any public road for not more than ten (10) days.

Approved March 28, 1873.

No. 232.] AN ACT.

To establish a city court for the county of Lee, with criminal and civil jurisdiction, &c.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That there is hereby established, in the city of Opelika, of the county of Lee, an in-

Court estab-
lished.

ferior court of record, to be called "the city court of Lee county," to be held and presided over by a judge, who shall reside in said city, or within four miles thereof, and shall be elected by the qualified electors of Lee county, and who shall hold his office for the same term, take the same oath, exercise the same powers, and be removed for the same causes as judges of the circuit courts of this State.

SEC. 2. *Be it further enacted,* That said court shall have and keep a common seal, and shall have a clerk and such other officers as the circuit courts in this State. The clerk of said court shall be elected by the qualified electors of Lee county, and shall hold his office for the same term as the clerks of the circuit courts of this State, and shall give the same bonds, exercise the same powers, and perform the same duties as are now required by law of the clerks of the circuit courts in the state, except so far as the provisions of this act are in conflict therewith.

Clerk and other officers.

SEC. 3. *Be it further enacted,* That the first election for a judge and clerk of the court established by the provisions of this act, shall be held on the first Tuesday after the first Monday in November, 1873; and the Governor may appoint a judge and clerk for the said court, who shall serve until their successors are elected and qualified. Said elections shall be held in the same way that elections are held for judges and clerks of the circuit courts; and the persons selected shall hold their offices for the same time as now provided by law for the judges and clerks of the circuit courts. Vacancies in the offices of judge and clerk of said court shall be filled in the same manner in which vacancies in the office of judge and clerk of the circuit courts are filled in this State.

SEC. 4. *Be it further enacted,* That said court shall be holden, and the office of the clerk thereof shall be kept, at the court house of the said county of Lee. Said court shall hold two regular terms each year, and may continue until the business of the term is disposed of. Special terms may also be held, when necessary for the dispatch of business,

Terms of the court.

when ordered by the judge, twenty days' notice thereof being given by publication in a newspaper published in said city of Opelika. The regular terms of said court shall be held on the first Mondays of February and August of each year.

Executions re-
turnable.

SEC. 5. *Be it further enacted*, That all executions issued upon judgments of said court, shall be returnable to the next succeeding term thereof.

Jurisdiction of
the court.

SEC. 6. *Be it further enacted*, That said court shall have concurrent jurisdiction with the circuit court of Lee county of all offences against the criminal laws of this State, committed in said county, and concurrent jurisdiction with the said court in civil cases; and, that the powers and jurisdiction of the circuit courts of this State be, and the same are hereby, conferred on the city court of Lee county, to the extent above provided; and, in order to confer on said court the same powers and authority as is now or may hereafter be conferred upon the circuit courts of this State in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case upon the circuit courts in this State, giving them power to hear and determine causes, appoint and remove their officers, punish contempts, regulate their practice and form of process, prescribing the duties of their officers, and of sheriff and coroner, allowing established fees for each officer, providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said court and its officers, as fully as they extend to the circuit courts of this State.

Certain powers
conferred on
the judge.

SEC. 7. *Be it further enacted*, That power is conferred on the judge of said court to issue writs of injunction, *habeas corpus*, and any other writs or process, in any and every case in which, by existing laws, the circuit judge might order the issue of any like remedial writ or process; and in the recess or vacation of said court, the judge thereof shall have the same power and authority as judges of the circuit courts of this State now have, or may hereafter have.

SEC. 8. *Be it further enacted*, That the supreme court of the State shall have appellate and super-

visory jurisdiction over said court ; and that causes may be removed from that court to the supreme court in the same manner provided by law for the exercise by that court of like appellate or supervisory jurisdiction over the courts or judges of the circuit courts of this State.

Supreme court has appellate jurisdiction.

SEC. 9. *Be it further enacted.* That the process of said court shall be issued, served, returned, and be in form as is or may be provided for the circuit courts, varying only in the style of the court, and conforming to its terms.

Processes of the court.

SEC. 10. *Be it further enacted,* That the grand jurors for said court shall be drawn from the persons liable to jury duty in the county of Lee, and shall be empanelled in the same manner as is or may be provided by law for grand jurors of the circuit court, and a venire issued therefor in the manner provided by law ; and that the petit jurors for said court shall be drawn and empanelled in the same manner as now provided by law for the circuit courts ; and the said court shall have the same power to summon tales jurors, as the circuit court has.

Jurors.

SEC. 11. *Be it further enacted,* That all laws of a general character that may hereafter be enacted, giving jurisdiction to the circuit courts of this State, shall be held to apply and extend to said city court of Lee county, within the limits of its jurisdiction, although said court may not be mentioned in said laws.

Certain laws applicable.

SEC. 12. *Be it further enacted,* That the salary of the judge of the court hereby established shall be one thousand dollars a year, which shall not be diminished during his continuance in office, except with his consent, and be payable quarterly at the treasury of the county of Lee, upon his order, out of any money in the treasury unappropriated ; and for the remuneration of said county for the payment of the same, the fines and forfeitures of all State cases in said court shall be paid into said treasury in preference to any other appropriation of the same, and shall be collected in money or lawful currency, which alone is authorized to be received in payment of all such fines and forfeitures ; and in all cases

Salary of judge, and how paid.

which shall be tried in said court herein established, in which the defendant, after conviction, shall be unable to pay the cost of prosecution, the same shall be paid out of the fines and forfeitures which have accrued or may accrue in criminal case in said court.

Duty of sheriff. SEC. 13. *Be it further enacted,* That the sheriff or coronor and constables of the county of Lee shall be required to attend said court, preserve order, execute and return its process, as they now are or may hereafter be required to do in the circuit court.

Duty of solicitor. SEC. 14. *Be it further enacted,* That the county solicitor of Lee county shall be required to attend said court, and be entitled to the same compensation as in the circuit court.

Change of venue. SEC. 15. *Be it further enacted,* That the venue in any case in said court may be changed to the circuit court of some other county, under the same rules and regulations that now or may hereafter govern changes of venue, the circuit court trying the cause, upon conviction, shall order the fine or forfeiture, when collected, to be paid to the clerk of said court herein established.

Compensation of Jurors, and others. SEC. 16. *Be it further enacted,* That the compensation of jurors and witnesses in said court, the fees of sheriff, bailiffs and constables, and also of the clerk of said court, for services rendered, shall be the same as are now allowed by law for like service in the circuit court of Lee county.

Jurors, how drawn. SEC. 17. *Be it further enacted,* That the grand and petit jurors of said court shall be drawn in the same manner, and at the same time, from the same box, and by the same officers, as the grand and petit jurors for the circuit court, except that the clerk of the court herein established shall be present and participate in the same.

Certain causes to be transferred to this court. SEC. 18. *Be it further enacted,* That any civil causes now or hereafter pending in the circuit court of Lee county, may, by consent of both parties entered of record, be transferred to the said court herein established; and any civil cause at any time pending in said last named court, may, by consent of both parties entered of record, be transferred to said circuit court.

SEC. 19. *Be it further enacted*, That the criminal jurisdiction of all misdemeanors committed in said county of Lee, as now by law vested in and exercised by the county court of said county, be and the same is hereby vested in the city court of Lee county, to be exercised in as full and ample manner, and upon the like process and proceedings, as the jurisdiction of said county court is now exercised; and to that end, the sections of Revised Code from number four thousand and thirty-one to number four thousand and sixty-one, inclusive, are hereby declared to be of force as to said city court of Lee county, making only the necessary changes therein to adapt them to the said city court.

Criminal jurisdiction vested.

SEC. 20. *Be it further enacted*, That under section four thousand and fifty-four of the Revised Code, as made applicable to the said court herein established, the right of appeal shall exist to the next regular term of the city court of Lee county, as well as to the circuit court of said county; and on a demand of trial by jury, under section four thousand and forty-seven of the Revised Code, the accused may be required to enter into bond with sureties to appear at the next regular term of the city court of Lee county, or at the next term of the circuit court of said county.

Right of appeal

SEC. 21. *Be it further enacted*, That appeals shall lie from prosecutions before justices of the peace in Lee county to the next regular term of the city court of said county, within five days after judgment or conviction by the justice, upon the defendant entering into bond, as is now required by law on appeals in similar cases, to the circuit and county court; and on such appeals, the provisions of section four thousand and thirty of the Revised Code shall apply to the proceedings in said city court.

Appeals from justices' courts

SEC. 22. *Be it further enacted*, That sections four thousand three hundred and twenty-eight, and four thousand three hundred and twenty-nine, and four thousand three hundred and thirty and four thousand three hundred and thirty-one of the Revised Code, are hereby declared to be of force as to said city court of Lee county, in the exercise of its

Certain sections of Revised Code declared in force.

jurisdiction at the monthly term thereof, and are hereby made applicable to said court; and the judge's fees therein named shall enure to the benefit of the judge of said city court, in addition to the compensation of said judge herein provided for.

Approved March 20, 1873.

No. 233.]

AN ACT

To empower the Mayor and City Council of the city of Opelika to establish and maintain a system of Public Schools within said city, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and council of the city of Opelika be, and they are hereby empowered to establish and maintain a system of public schools, which shall be free to all the children within said city.

Authority.

SEC. 2. *Be it further enacted,* That the said mayor and council shall have power to impose and collect the requisite taxes, and to issue and negotiate the requisite bonds, or otherwise engage the credit and apply the resources of the city to raise revenue for the establishment and maintenance of said system of public schools.

Power to levy taxes or issue bonds.

SEC. 3. *Be it further enacted,* That the said mayor and council shall by ordinance, or otherwise, in their discretion, provide for appropriate agencies to regulate, supervise, and carry on said system of public schools, and render the same efficient.

SEC. 4. *Be it further enacted,* That the bonds issued by the said city shall not exceed ten thousand dollars, for said purpose, and the said city shall be bound for the redemption of such bonds as may be issued under this act, as it now is, and they shall assess such tax annually as shall be necessary to pay all interest due upon the aforesaid bonds, and also to pay said bonds when principal is due, or to pay the current expenses of said public schools.

Agencies to be provided.

SEC. 5. *Be it further enacted*, That all laws or parts of laws now existing in the said city of Opelika, or the State, at variance with the provisions of this bill are hereby repealed by the passage of this act, and are henceforth null and void. Extent of issue of bonds.

Approved, April 15, 1873.

No. 234.] AN ACT

To legalize the actions of the municipal board of the city of Opelika.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the proceedings and acts of W. W. Slaughter, as mayor, and A. Maxwell, A. B. Bennett, A. J. Smith, A. B. Jarrell, J. C. Condon, and J. J. Smith, as aldermen of the city of Opelika, and Zadoc Jackson, as marshal, and all subordinate officers of the said city of Opelika, had and done by them, be held deemed of legal binding and force. *Provided*, All their acts were done in accordance with the provisions of the charter of Opelika. under which they were elected.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 22, 1873.

No. 235.] AN ACT

To provide for holding an election for Mayor and Councilmen in the town of Hayneville, in Lowndes county, in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an election be held in the town of Hayneville, on the first Monday in March, A. D. 1873, and every succeeding year thereafter, for the purpose of electing one mayor and four councilmen. Day for election.

SEC. 2. *Be it further enacted,* That said election be held and conducted in the same manner as elections are now held for members of the General Assembly of this State, and it is hereby made the duty of the judge of probate of said county, to appoint, five days previous to said election, three inspectors, and one returning officer; the inspectors shall manage said election, and certify of its correctness, and the returning officer shall make the returns of such election to the judge of probate, who shall count the votes and give certificates of election to those persons receiving the highest number of legal votes and in case of a tie, said judge of probate shall give the casting vote.

SEC. 3. *Be it further enacted,* That all persons of the age of twenty-one years and upwards, and who have resided in said town two (2) months previous to such election shall be qualified voters.

SEC. 4. *Be it further enacted,* That all laws and parts of laws heretofore passed, conflicting with this act, are hereby repealed.

SEC. 5. *Be it further enacted,* That this act shall take effect from the date of its approval.

Approved February 19, 1873.

No 236.]

AN ACT

To repeal an act entitled an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31st, 1868, so far as the same relates to certain portions of said county therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31st, 1868, be and the same is hereby repealed, so far as the same relates to certain portions of said county, known and described as "Fort Deposit," "Mount Willing," "Benton and Bragg's store," beats in said county.

Sec. 2. *Be it further enacted,* That this act shall take effect from and after January 1st, 1874.

Approved, April 8, 1873.

No. 237.]

AN ACT

To authorize the judge of probate of Macon county to appoint Samuel Henderson guardian of his minor children, the heirs of A. F. Henderson, without requiring bond, and annual settlements.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the judge of probate of Macon county be and he is hereby authorized and empowered to appoint Samuel Henderson, of Talladega county, the guardian of his own minor children, the heirs of A. F. Henderson, deceased, late of Macon county, without requiring bond, and that said Samuel Henderson, when so appointed, may not be required to make annual settlement of such guardianship.

Sec. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved, March 17, 1873.

No. 238.]

AN ACT

To regulate and authorize subscription by the county of Madison to the capital stock of railroad companies.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever application shall be made by the president and directors of any railroad company, to the court of county commissioners for the county of Madison, submitting proposals for a county subscription to the capital stock of said railroad company in compliance with existing laws, the said court of county commissioners, before sub-

Condition precedent to subscription.

Question submitted to the people.

scribing to the capital stock of said railroad company, shall submit the question of subscription to the qualified electors of said county, distinctly setting the amount of said subscription by said county to the capital stock of said railroad company at an election to be held in accordance with the general election laws of this State, except as to the time for holding said election, which shall be fixed by the court of county commissioners of said county, who shall give thirty days' notice of said election, and if at said election a majority of the qualified electors of said county shall vote in favor of said subscription, then it shall be the duty of said court of county commissioners to subscribe the amount voted by said majority of the qualified electors of said county to the capital stock of said railroad company.

Security to be given.

SEC. 2. *Be it further enacted*, That in case any subscription by said county of Madison to the capital stock of any railroad company, shall be voted by the qualified electors of said county, the said court of county commissioners, before making said subscription, or delivering to said company the bonds of said county in payment of said subscription, shall require from said railroad company the bond of said company with good and sufficient securities for the faithful application of the monies realized from said bonds to the construction of the railroad of said company within the limits of said county.

Approved April 19, 1873.

No. 239].

AN ACT

To punish the unlawful use of certain money to be raised by the court of county commissioners of Madison county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That if any person engaged in the collection, management, disbursement or control of any money arising, or which may arise from the

sale or sales of any bonds issued by Madison county for the payment of its old bonds, or the money arising, or which may arise from the special annual tax of said county, raised, and to be raised for the payment of the interest to accrue on said new bonds, or of the money raised and to be raised under a special tax to create a sinking fund to pay the principal of said new bonds, shall use any of the proceeds of the sale of said bonds, or any portion of it, or the money or any portion of it raised, and to be raised under said special tax to pay the interest on said bonds, or the money or any portion of it raised or to be raised under the statute authorizing the levy of a special annual tax adopted on the — day of —, 1873, to create a sinking fund to pay off said new bonds, shall use said money or any part of it, in any other way or manner, or for any purpose whatever, than the way for the uses and purposes prescribed in said two acts, shall be guilty of a high misdemeanor, and on conviction thereof, under indictment, shall be fined in a sum not less than twice the sum so illegally used, and shall also be imprisoned in the county jail, for not less than one year, and not more than two years.

Penalty.

Approved, March 13, 1873.

No. 240.]

AN ACT

To repeal an act entitled an act to pay the board of equalization of Madison county, approved March 3, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to pay the board of equalization of Madison county, approved March 3, 1870, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved March 15, 1873.

No. 241.]

AN ACT

To authorize the court of county commissioners of Madison county to pay for fuel used in offices of judge of probate, sheriff, and clerk of circuit court of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Madison county must allow to the probate judge, sheriff, and clerk of the circuit court of said county, the amounts properly expended by them for fuel for use of their offices.

Approved March 15, 1873.

No. 242.]

AN ACT

To enable the court of county commissioners of Madison county to raise by taxation a sinking fund to pay the bonds of said county.

Authority to
levy.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners for the county of Madison is hereby vested with power and authority, whenever they deem it expedient to do so, to levy a special annual tax not to exceed three thousand dollars, for the purpose hereinafter mentioned.

Sinking fund.

SEC. 2. *Be it further enacted*, That the sum of money so to be raised by said annual tax, shall constitute a sinking fund with which to pay off the bonds of the county issued to take up the old bonds, and it shall be the duty of said court to set apart said sum so to be raised, and to keep it as a separate fund, distinct from the general fund of the county.

How applied.

SEC. 3. *Be it further enacted*, That so soon as a sum of money shall be raised by special tax sufficient to pay off one or more of said new bonds, it shall be the duty of said court to apply said sum to the payment or purchase of one or more of said bonds, if said bonds can be paid or bought at par value, or less; and it shall be unlawful for said

court to apply any portion of said money so to be raised by said special tax to any other purpose whatsoever. This act shall not be construed to require the levy of said special tax, but only to authorize the same, when deemed expedient by said court.

Approved March 13, 1873.

No. 243.]

AN ACT

To authorize the court of county commissioners for the county of Madison, State of Alabama, to issue new bonds to pay off bonds of said county, which are now outstanding, and will fall due January 1st, 1874, and to levy a special tax to pay the interest on said bonds.

WHEREAS, The said county of Madison heretofore issued its bonds to the amount of one hundred thousand dollars to pay the stock taken by it in the Memphis and Charleston railroad company, which bonds will fall due on the 1st of January, 1874, and said county without the issue and sale of the new bonds will not have the means to pay off said bonds when they shall fall due; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners for said county of Madison, be and hereby is vested with power and authority to issue the new bonds of said county to an amount not to exceed one hundred and thirty thousand dollars, in sums not less than five hundred dollars, to bear interest from the date thereof, at the rate of eight per cent. per annum, with coupons for the interest, payable semi-annually. The principal of said bonds shall be payable in gold, and shall be payable to such person or corporation, or bearer, as said court may by order direct; said bonds shall be payable at such length of time from the date thereof as said court shall by order direct, not to exceed thirty years from date, and said bonds shall be payable at such place or places as said court shall by order direct; said bonds and coupons shall be signed by the judge of the probate

Authority to
issue bonds.

court of said county, who shall attach to each of the bonds the seal of said county, but shall not be required to place thereon a State stamp.

Special tax.

SEC. 2. *Be it further enacted*, That said court of county commissioners is hereby empowered and required to levy a special annual tax to an amount sufficient to pay off the interest on said new bonds, as it shall fall due; and the sum of money to be raised by said tax, said court shall set apart, and keep it separate and distinct from the general fund of the county.

Unlawful use of bonds.

SEC. 3. *Be it further enacted*, That it shall be unlawful for said court of county commissioners to use said new bonds, or either of them, or the proceeds of the sale of them or either of them, for any purpose whatever, than the payment or extinguishment of the old bonds.

Unlawful use of special tax.

SEC. 4. *Be it further enacted*, That it shall be unlawful for said court of county commissioners to use any portion of the money to be raised by said special annual tax, for any purpose whatever, than the payment of the interest on the new bonds.

Exchange for old bonds.

SEC. 5. *Be it further enacted*, That said court of county commissioners shall have power to exchange the new bonds for the old ones, or to sell the new bonds and apply the proceeds of sale or sales to the payment of the old bonds.

Approved March 27, 1873.

No. 244.]

AN ACT

To regulate the time of meeting of the board of equalization of Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the board of equalization of Marengo county, to meet on the second Monday in July, in each year, instead of the third Monday in August, to examine the assessor's returns, and make an equalization of the assessment for that year.

Approved March 13, 1873.

No. 245.]

AN ACT

To suspend the operation of section 909 of the Revised Code of Alabama, in favor of *bona fide* holders of claims against the county of Marengo.

WHEREAS, There are claims against the county of Marengo, which the holders thereof have failed to present for allowance to the court of county commissioners of said county within twelve months from the time the same respectively accrued or became payable, from ignorance on the part of such holders that said claims ever by law required to be so presented; and Whereas, If such claims are otherwise valid and have not been paid, it is just to the holders thereof that the same should be settled and paid by said county; therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That said section 909 be, and the same is hereby suspended in its operations in the county of Marengo in favor of *bona fide* holders of just claims against said county or such as are chargeable against or payable out of the treasury thereof, which have accrued or become payable, between the first day of January, A. D. one thousand eight hundred and sixty-six, and the first day of January, A. D. one thousand eight hundred and seventy-three, and such holders may present such claims respectively to the court of county commissioners of said county, for allowances, and said section 909 of said Revised Code shall be no bar to the allowance thereof, nor to the recovery of said claims in any suit against said county, if said court shall refuse to allow the claims, *Provided,* such claims respectively shall be presented to said court for allowance by the first day of January, A. D. one thousand eight hundred and seventy-four, and not after.

Approved, March 4, 1873.

No. 246.]

AN ACT

To authorize the issuance of bonds by the city of Mobile to the extent of two hundred thousand dollars.

Preamble:

WHEREAS, The city of Mobile is unable, with its present means, to meet and discharge a portion of its principal debt due the first day of January, 1873, and to meet all the interest which matured on the same date, but can extend the former and can fund a portion of the latter in bonds of short date; and, whereas, a portion of the bonds authorized by act entitled an act to authorize the corporate authorities of the city of Mobile to issue bonds to the amount of four hundred thousand dollars, approved February 7, 1871, were not sold, but hypothecated for a sum less than their face value, and can still be redeemed; and it is represented that an issue of bonds to the amount of two hundred thousand dollars of said city will relieve its finances of their present embarrassment; therefore,

Authority to issue.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporate authorities of the city of Mobile be and they are hereby authorized and empowered to issue, in the name of the city of Mobile, and under the corporate seal, bonds of said city to the amount of two hundred thousand dollars, which shall respectively be for sums of not less than one hundred dollars nor more than one thousand dollars, and shall be made payable to-wit: Fifty thousand dollars in one year from their date, fifty thousand dollars in two years after their date, one hundred thousand dollars in three years after their date; said bonds shall be signed by the mayor of said city, and countersigned by the treasurer and auditor of said city, numbered from one to such number as will include the whole issue, and shall be accurately registered in a book to be kept in the office of the city auditor.

SEC. 2. *Be it further enacted,* That Charles Walsh, president of the Bank of Mobile, Charles Hopkins, president of the National Commercial Bank of Mobile, and Jesse Carter, chairman of the

committee of ways and means of said city, or any two of them, are hereby made commissioners to whom said bonds, when prepared according to the provisions of the first section of this act, shall be delivered; and said commissioners are hereby authorized and empowered, either by sale thereof or exchange and substitution thereof in place of outstanding bonds of said city, to apply the said bonds, or their proceeds, to the redemption of the bonds of the issue under the act named in the preamble to this act, which are now hypothecated, to the payment of any matured principal debt of said city of Mobile, and the remainder to the payment of overdue interest of said city, represented by coupons on former issue of bonds, and to no other purpose; and upon the receipt by said commissioners of any and all such evidences of debt against said city, whether by payment, redemption or exchange, said commissioners shall cause said evidences of debt to be cancelled and filed in the office of the treasurer of said city; and no bond of the issue hereby authorized shall be paid out by said commissioners, or otherwise put in circulation, except in exchange, payment or substitution of subsisting evidences of the debt against the city, as herein described, then to be delivered to said commissioners, or to be delivered to them at a time or times definitely arranged and understood by contract between the parties.

Commissioners designated, and their power

Approved, March 7, 1873.

No. 247.]

AN ACT

To establish a new election precinct in the county of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That a new election precinct in the county of Mobile is hereby established out of the following territory, to-wit: Bounded north by the south line of township three (3), east by Mobile and Ohio railroad, south by Three Mile creek, and

Precinct No. 8.1

west by Three Mile creek and east line of range two west, to be known as precinct number eight (8).

SEC. 2. *Be it further enacted*, That the officers of said county of Mobile are hereby charged with notice of the creation and establishment of said precinct.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, April 22, 1873.

No. 248.]

AN ACT

To repeal an act entitled an act to provide for the improvement of the river, harbor and bay of Mobile, approved February 19, 1867.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to provide for the improvement of the river, harbor and bay of Mobile, approved February 19, 1867, be and the same is hereby repealed.

Approved April 19, 1873.

No. 249.]

AN ACT

To regulate the further proceedings of the Board for the improvement of the River, Harbor and Bay of Mobile, by an act entitled an act to provide for the improvement of the River, Bay and Harbor of Mobile, approved February 16, 1867.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall not be issued by the president and commissioners of revenue of Mobile, to the board named in the caption of this act, the bonds of the county of Mobile in the aggregate for a larger amount than the sum of two hundred thousand dollars, and said board for the improvement of the river, harbor and bay of Mobile shall

Amount of issue of bonds.

not be entitled to receive under any pretence whatever from said president and commissioners of revenue of Mobile county, any greater or larger sum or amount of bonds of said county, than for said two hundred thousand dollars, including the bonds heretofore issued on the requisition of said board.

SEC. 2. *Be it further enacted*, That upon the expenditure of the money hereinbefore named, or the sooner completion of the work with which said board is charged, or shall have undertaken for the object aforesaid, and the settlement of all outstanding contracts which said board shall have made, said board shall cause to be made and prepared in duplicate a detailed statement of all the moneys received by it under laws heretofore enacted, from what source received, of the number and amount of bonds of the county of Mobile received by it and the disposition made of them, and of the expenditures by said board and the purposes for which made. These statements shall be verified by the oath of some member of said board. One of these statements, with the vouchers for said expenditures, shall be filed by said board with the judge of the probate court of Mobile county, to be kept and preserved as public records in his office. The other statement shall be delivered to the Governor of this State to be kept and preserved in his office for the purposes mentioned in the 4th section of this act. All the maps, charts, reports and other papers of the said board, shall upon the completion of the duty confided to it be delivered to the judge of probate of Mobile county, who shall carefully keep and preserve the same for future reference, as part of the public records of his office.

Duty of the board to prepare a statement.

SEC. 3. *Be it further enacted*, That upon the request of the court of county commissioners of Mobile county, or the officers charged with the financial affairs of said county by whatever name known, it shall be the duty of the Governor to cause application, in the name of this State to be made to the government of the United States for reimbursement to the county of Mobile of the expenditures which may have been made by said county, and payment of the bonds issued by said county, for said improvement

of the river, bay and harbor of Mobile, and any and all monies so collected of or paid by the United States, shall be held sacred for the benefit of said county as herein declared, and to effect this, if he see fit, the Governor may employ a suitable agent in the name of the State, but for the benefit of said county, properly to prosecute and urge the collection and reimbursement of said monies upon the government of the United States, but always at the cost of the said county of Mobile.

SEC. 4. *Be it further enacted*, That all laws and parts of laws, so far as they are in conflict with the provisions of this act, be and same are hereby repealed.

Approved April 19, 1873.

No. 250.]

AN ACT

To authorize and empower the commissioners court of Monroe county to allow the State witnesses in the case of "The State vs. George P. Hammond and Anthony Bryant" their fees as such witnesses.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Monroe county be empowered and authorized to allow the witnesses their fees on their certificates in the case of the "State by George P. Hammond and Anthony Bryant," now pending in Escambia county, on change of venue from said Monroe county, where said cases originated.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and they are hereby repealed.

Approved, April 19, 1873.

No. 251.]

AN ACT

To authorize and empower John W. Leslie, probate judge of Monroe county, to exercise jurisdiction over the estate of F. H. Liddell, deceased, notwithstanding his relationship to the deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That John W. Leslie, probate judge of Monroe county, be and is hereby authorized and empowered to take jurisdiction of the estate of F. H. Liddell, deceased, and to grant letters of administration, and to make all such orders and decrees as may be necessary in the administration and settlement of said estate, notwithstanding his relationship to said deceased.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved April 19, 1873.

No. 252.]

AN ACT

To authorize and require the clerk of the city court of Montgomery to set criminal cases not capital for particular days, and to summons the witnesses in each case for the day set for the trial thereof.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That it shall be the duty of the clerk of the city court of Montgomery, to set the criminal cases pending in the said court for trial, commencing on Monday of the second week of the July term; and on Monday of the fourth week of the February and October terms of said court, and to summons the witnesses in each case for the day set for the trial thereof.

Duty of clerk.

SEC. 2. *Be it further enacted*, That said clerk in setting cases under this act will be governed by the rules and statutes regulating the setting of civil cases for trial in said court, so far as the same are applicable and not inconsistent with this act. *Provided*, this act shall not apply to cases in which the defendant may be punished capitally.

Rules and statutes governing

Approved, March 4. 1873.

No. 253.]

AN ACT

To declare the meaning of an act to extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved February 26, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the true intent and meaning of an act approved February 26, 1872, entitled an act to extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1, 1870, are hereby declared to be that the provisions of said act are extended to the fire department of the city of Montgomery.

Approved February 28, 1873.

[No. 254.]

AN ACT

To authorize the county of Montgomery to issue bonds.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That the commissioners court of Montgomery county shall be, and it is hereby authorized and empowered to issue bonds of said county to such an amount as said court shall deem necessary and expedient, not however to exceed the sum of fifty thousand dollars; said bonds to be payable in five years from date of issue, bearing interest payable semi-annually, at the rate of eight per cent. per annum, and to be issued for the purpose of taking up the bonds of the county to fall due on the first day of January, 1874, and including such other indebtedness as shall be then unpaid and outstanding.

SEC. 2. *Be it further enacted*, That all taxes and licenses, of every description, which shall be here-

Authority to
issue bonds.

after collected in the county of Montgomery, shall be paid in cash only, in the funds of the United States, or its equivalent par value, This act shall take effect immediately after its passage.

Taxes and licenses to be paid in funds of the United States.

Approved, March 7, 1873.

No. 255.]

AN ACT

To amend section seven (7) of an act to empower the Governor to appoint notaries public, approved August 11, 1868, so far as the same relates to beats number four and five, in Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section seven (7) of an act to empower the Governor to appoint notaries public, approved August 11, 1868, which is in the following words, to-wit: "Section 7. Be it further enacted, That such notaries public shall in addition of justices of the peace, have the same jurisdiction throughout the county in which they reside; *Provided, however,* That no notaries public shall hold or keep his office outside the limits of the beat or precinct for which he was, or may be appointed; *Provided, further,* That any notaries public appointed for the city of Mobile may hold their offices in any part of the incorporate limits," be so amended as to read as follows: Section 7. Be it further enacted, That such notaries public shall in addition to the jurisdiction of justices of the peace have the like jurisdiction throughout the county in which they reside; *Provided, however,* That no notary public shall hold or keep his office outside of the limits of the beat or precinct for which he was or may be appointed; *Provided, further,* That any notaries public appointed for the city of Mobile may hold their office in any part of the incorporate limits of that city; *Provided, still further,* That the notaries public appointed for beats numbered four and five, embracing the city of Montgomery, in the county of Montgomery, may hold their offices in either of said beats.

SEC. 2. *Be it further enacted*, That said section seven of said act be and the same is hereby repealed.
Approved, March 25, 1873.

No. 256.]

AN ACT

Authorizing the City Council of Montgomery to condemn and purchase real estate as herein provided.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whereas the Board of Health appointed by the Medical and Surgical Society of Montgomery, under the provisions of its charter, approved by the legislature of the State of Alabama, February 8, 1866, shall report to the city council of Montgomery, that any lands in the county of Montgomery, situated within one mile of the city of Montgomery, within the county of Montgomery, are dangerous or injurious to the health of the inhabitants of any part of said city, and that the health of such inhabitants will be secured or greatly improved by the drainage of such lands, it shall be lawful for the city council to authorize the Mayor of said city to acquire the same, by the purchase from the owner or owners thereof.

When the mayor or authorized to purchase.

SEC. 2. *Be it further enacted*, That if the Mayor of the city cannot agree with such owner or owners for the purchase of the same, or if the owner or owners thereof shall be incapable from selling or conveying the same, from infancy or other cause, that then the Mayor of said city, when directed by the city council thereof, shall apply to the clerk of the circuit court of Montgomery, or to the clerk of the city court of said county, for a writ of "*ad quod damnum*," directed to the sheriff of said county, requiring him to summon a jury of seven free-holders of the said county, not inhabitants of said city, to be upon the land described in said writ on a day to be named therein, who shall, after being duly sworn by the said sheriff, or a justice of the peace, true inquiry and a just verdict render, proceed to

In case of disagreement, application to the courts.

assess the value of said lands, and render a verdict ascertaining the same, which shall be returned by the said sheriff forthwith to the clerk of the court issuing the said writ; and the said clerk shall enter the same, together with the return of the sheriff and all the proceedings, on the minutes of the court at the next term thereof.

SEC. 3. *Be it further enacted*, That the sheriff shall give five days notice to the owner of the lands by serving him or her with a copy thereof, if he be a resident of the county, and if not, and he should be a resident of another county, a copy of the writ shall be served upon him by the sheriff of such county; but if the owner of said land shall be a non-resident of this State, notice shall be given by publication of a copy of said writ in some newspaper published in the city of Montgomery for three weeks; and if the owner shall be an infant or "*non compos mentis*," a copy of the notice shall be served on his guardian, if a resident of this State, or if the lands shall be in possession of any one as executor or administrator, then such executor or administrator shall be served with a copy of said writ.

Duty of sheriff.

SEC. 4. *Be it further enacted*, That in case any of the jury shall be absent, who were summoned, the jury shall be completed by the sheriff from the by-standers, and in case the jury fails to agree upon a verdict, the sheriff, shall on the same day, or some other day to be fixed by him at the time, summons another jury, who shall proceed to make up and render a verdict without other notice; any juror summoned by the sheriff, and who shall fail to attend, may be fined by the court at its next term, twenty dollars, if no sufficient excuse is shown.

Completing the jury.

SEC. 5. *Be it further enacted*, That the Mayor shall pay to the sheriff on the return of the writ, the cost of the proceedings, which shall be five dollars to the clerk, ten dollars to the sheriff, and two dollars to each juror summoned; also two dollars for each witness attending on a subpoena issued by the clerk at the request of either party, with regular fees to the clerk for the issuance of each subpoena; *Provided, however*, That not more than ten dollars

Mayor to pay costs of proceedings.

shall be issued for each party, when he shall at the time pay the fees to the clerk, and deposit with him the fees for the witnesses subpoenaed.

When titles
vest.

SEC. 6. *Be it further enacted*, That on the payment of the amount assessed by the verdict of the jury to the owner or the clerk of the court, the title to the lands shall vest in the city of Montgomery, unless the owner shall take an appeal to the court by whose edict the writ was issued, within five days, which appeal shall be taken by notifying the clerk that the owner is dissatisfied with the verdict, and claims an appeal, and on such an appeal, the trial shall be "de noov;" but in such case the said city may proceed to drain and improve such lands as if no appeal had been taken, and if the city council of Montgomery shall be dissatisfied with the verdict, it may in like manner take an appeal; but the city shall not in such case proceed with the work of drainage and improvement, unless it shall deposit with the clerk of the court, the amount of the verdict appealed from, with fifty per cent added thereto, to remain in his custody to abide the event of the appeal; on the trial of the appeal, the costs shall be taxed against the appellant, unless the final judgment is more favorable to appellant than the verdict appealed from.

Right of way.

SEC. 7. *Be it further enacted*, That the right of way necessary to the drainage of the lands acquired may be acquired by the same proceedings as are herein provided for the acquisition of the lands to be drained.

Authority to
drain.

SEC. 8. *Be it further enacted*, That the city of Montgomery is authorized and empowered to contract for the drainage and improvement of the lands so acquired to sell, use or possess the same for a public cemetery or any other purpose to which the city council of Montgomery wish to put them.

Approved, April 10, 1873.

No. 257.] AN ACT

To repeal an act entitled an act to establish public pounds in the county of Montgomery, approved March 3, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to establish public pounds in the county of Montgomery, approved March 3, 1870, be and the the same is hereby repealed; *Provided* That this act shall not go into effect until December 1, 1873.

Approved March 28, 1873.

No. 258.] AN ACT

To preserve order at Hill Chapel camp ground, in Montgomery county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any ardent or spirituous liquors of any kind whatever within two miles of Hill Chapel camp ground, in Montgomery county, during camp meeting at said camp ground. Unlawful to dispose of liquors.

SEC. 2. *Be it further enacted*, That any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars, and imprisoned in the county jail, or sentenced to hard labor for the county for not less than two months. Penalty.

SEC. 3. *Be it further enacted*, That any person who shall appear upon said camp ground in a state of intoxication during the time of any assemblage of people met at said camp ground for public worship, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars. Intoxication a misdemeanor.

Approved April 22, 1873.

No. 259.]

AN ACT

To change the seat of justice of Morgan county.

Day of election,
and object.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sheriff of Morgan county shall open and hold an election at the several precincts in said county on Saturday, the 26th day of April next, for the purpose of enabling people of said county to determine whether a majority of said people are in favor of removing the seat of justice of said county, which election shall be held and conducted in all respects in the same manner and agreeable to the same regulations as are now prescribed by law for conducting elections for members of general assembly of this State, and it shall be the duty of the sheriff to give at least thirty days' notice of the time and place of holding said election, by advertisement in the public newspaper printed in said county, and posted up at the court house door, and at three public places in said county.

SEC. 2. *Be it further enacted,* That the legal voters of said county shall endorse upon their ticket the word "removal" if they are in favor of the removing the seat of justice of said county to some other place than Sumerville, or the words "no removal" if they prefer the court house to remain in its present location, and after all the balloting of the several precincts shall have been carefully compared by the proper judges and clerks, according to law, and it shall appear that if a majority of all the legal votes cast in said election are cast in favor of "no removal," Sumerville shall be the permanent seat of justice of said county, but if no such majority be cast, and said majority be found in favor of "removal" then the sheriff shall proceed to hold the other elections as directed by the first section of this act.

Another election for the place.

SEC. 3. *Be it further enacted,* That when the people of said county shall have determined by a majority of the legal votes at the ballot box, on the subject of removal, then it shall be lawful for the sheriff of said county to open and hold one election in the several precincts in said county, one month

after the first election, agreeable to and in accordance with requisitions in the first section of this act, to enable the people of said county to locate permanently, the seat of justice thereof, and it shall be lawful for the legal voters of said county to vote for any place that he or they may desire the said court house to be located by having printed the name of the place of their choice upon their tickets, and it shall be the duty of said sheriff after the votes of the several precincts shall be returned, agreeably to law, are compared, and the result ascertained by the proper judges and the clerks of said election at the court house, in Somerville, to make public proclamation thereof, and the place receiving a majority of all the votes cast at said election returned as aforesaid, shall be deemed the permanent seat of justice for said county.

SEC. 4. *Be it further enacted*, That should no place thus voted for receive a majority of all the votes cast in said election, returned as aforesaid, then it shall be the duty of the sheriff of said county to advertise, open and hold another election under the same rules and restrictions as prescribed for holding the preceding election, and after the vote as before has been carefully compared, the place receiving a majority of all the votes cast at said second election, and returned as aforesaid, the same shall be deemed the permanent seat of justice of said county.

In case of none having a majority, another election to be held.

SEC. 5. *Be it further enacted*, That should no place thus voted for on the second election receive a majority of all the votes cast in said election, returned as aforesaid, it shall be lawful for the sheriff of said county to advertise as before, open and hold as before, another last and third election, under the same rules and restrictions as prescribed for holding the preceding elections, and this third and last balloting thus lawfully held as before, and the legal result ascertained as before, shall be and is hereby considered final, and the place receiving the majority of all the votes cast in said election shall be deemed the permanent seat of justice for said county.

A third election authorized.

SEC. 6. *Be it further enacted*, That should a majority of all the votes cast at either of said elections be given in favor of any one place other than Somer-

Duty of the
commissioners

ville, it is hereby made the duty of the sheriff holding said election to make a report thereof to the commissioners hereinafter provided for, and it shall be the duty of said commissioners upon such report being made, to advertise in such manner and at such times as they may deem advisable, to build and complete said court house and jail and such other buildings as they may deem necessary at the place designated in said election as the seat of justice, and to make and enter into such contracts for the erection of said public buildings as they may think conducive to the interest of said county.

Governor to ap-
point three
commissioners

SEC. 7. *Be it further enacted,* That the Governor is hereby authorized and empowered to appoint three commissioners, residents of said county, who shall proceed to contract for not less than two nor more than four acres of land, or receive by donation the same as the place elected upon which to erect the public buildings of said county, and shall take a title deed for the same so purchased or donated to the judge of probate and his successors in office for the use of said county, and the purchase money and cost of the public buildings and for such land shall be paid out of the county treasury of said county.

Power of the
commissioners

SEC. 8. *Be it further enacted,* That the said commissioners shall have power to contract for and superintend the erection of said public buildings at the place selected for that purpose, and for this purpose the said commissioners shall have power to make plans and specifications of said buildings, contract for their erection, and to do all other acts and things necessary to a speedy completion of said work, in accordance with the previous requisitions of this act.

Compensation
of the commis-
sioners.

SEC. 9. *Be it further enacted,* That the commissioners appointed under this act shall receive such compensation for their services as the commissioners' court of said county may think right and proper, to be paid out of the county treasury.

Penalty for
failure to per-
form duty.

SEC. 10. *Be it further enacted,* That any sheriff or other officer wilfully failing to perform the duties required of him by this act, shall be fined five hundred dollars.

SEC. 11. *Be it further enacted*, That on the removal of the court house it shall be the duty of the officers of the chancery court, the circuit and probate courts to remove their offices and all records, books and papers belonging to their offices, into the new court house as soon as the same may be practicable.

Removal of offices and records.

SEC. 12. *Be it further enacted*, That the commissioners appointed under this act are hereby empowered to sell to the highest bidder upon a credit of one and two years with interest from date, the court house, jail and other public property in the town of Somerville, and the proceeds of such sales shall be paid into the county treasury.

Commissioners to sell the old property.

SEC. 13. *Be it further enacted*, That for the services rendered by the sheriff of said county in the discharge of the duties imposed upon him by this act, he shall be entitled to the sum of one hundred and fifty dollars, to be paid out of the county treasury of said county.

Compensation of the sheriff.

SEC. 14. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved, March 5, 1873.

No. 260.]

AN ACT

To repeal an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868, so far as the same applies to the county of Perry.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respec-

tive counties, approved August 12, 1868, and sections 117 and 118 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868, be and the same are hereby repealed as to the county of Perry.

Approved March 17, 1873.

No. 261.]

AN ACT.

To enlarge the board of equalization of the county of Perry.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter every session of the board of equalization in the county of Perry, the senior justice of the peace in each beat of said county, shall be and constitute a member of the board of equalization of said county, in equalizing the taxes for the beat in which said justice resides, or in equalizing the assessments of the taxes of said beat ; *Provided,* That where the commissions of the justices of the peace of any beat in said county bear the same date, then the senior justice, in point of age, shall be the member of said board of equalization as above provided.

Approved April 18, 1873.

No. 262.]

AN ACT

To require the county treasurer of Perry county to make semi-annual statements of all monies received and expended by him for and on account of said county, to the court of county commissioners, and for recording and posting the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county treasurer of Perry county be and he is hereby required to make semi-annual statements to the court of county commissioners, at its regular sessions, of all monies received

Duty of county treasurer.

and disbursed by him for and on account of the county, giving each item of receipt and expenditure.

SEC 2. *Be it further enacted*, That said statements shall be recorded by the judge of probate, and a copy of the same be by him posted at the court house door immediately after the adjournment of said court.

When recorded

Approved April 4, 1873.

No. 263.]

AN ACT

To authorize the court of county commissioners of Pickens county to grant a license to Joseph E. Everett to establish a ferry on the Bigbee river, in said county, near the town of Memphis, without requiring said Joseph E. Everett to give bond and security, as required by section 1383 of the Revised Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Pickens county be invested with authority to grant a license to Joseph E. Everett to establish a ferry on the Bigbee river, near the town of Memphis, without requiring said Joseph E. Everett to give bond and security, as required by section 1383 of the Revised Code of Alabama.

Authority.

SEC. 2. *Be it further enacted*, That said court of county commissioners shall have authority to fix the rate of toll or ferriage to be charged at said ferry.

Rates of toll.

Approved March 28, 1873.

No. 264.]

AN ACT

To amend an act to authorize the commissioner's court of Pike county to collect a tax to pay bridge claims, if in their opinion it is necessary, approved February 26, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to authorize the commissioner's court of Pike county to collect a tax to pay bridge claims, if in their opinion it is necessary, which reads as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the commissioner's court of Pike county be and they are authorized to have collected such tax as they may deem necessary to pay off claims in said county, which have accrued or may accrue on account of public bridges, if in their opinion the same ought to be done, and if such tax should be collected, it shall be applied to said purpose, approved February 26, 1872, be and the same is hereby amended so as to read as follows:

SEC. 2. *Be it further enacted*, That the commissioner's court of Pike county be and they are authorized to have collected a tax, not exceeding forty per cent. of the State tax, as they may deem necessary, for the exclusive purpose of paying off claims against said county, which have accrued or may accrue on account of public bridges.

SEC. 3. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved April 15, 1873.

No. 265.]

AN ACT

To require all claims against the county of Randolph to be registered in the treasurer's office in said county, within six months from the date of issuance.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That all claims of every description and denomination, including juror certificates and witness certificates, that are payable by the county of Randolph, that have become or shall become due prior to the first day of March, 1873, shall be and are hereby required to be registered in the office of the county treasurer of said county of Ran-

Must be registered.

dolph, before any such claim shall be paid by said county; and that a period of six months from the passage of this act, be allowed and prescribed as the limit for registering said claim; and if any shall not be so registered at the expiration of the said time, the same shall be forever rejected as a claim against said county:

SEC. 2. *Be it further enacted*, That it shall be the duty of the court of county commissioners of Randolph county to advertise this law by posting written copies thereof at each voting precinct in said county. Act to be advertised.

Approved, April 10, 1873.

No. 266.]

AN ACT

To repeal an act entitled an act "to enable the commissioner's courts of St. Clair, Walker and Choctaw counties, respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties," approved February 7, 1870, so far as the same relates to the county of St. Clair.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to enable the commissioner's courts of St. Clair, Walker and Choctaw counties, respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties, approved February 7, 1870, be and the same is hereby repealed in so far as it relates to the county of St. Clair; *Provided*, That all claims for building bridges and repairing public buildings which have already accrued for work done under a contract with or by authority of the commissioner's court of said county, shall be paid in pursuance of the act which this act repeals. Proviso.

Approved, April 15, 1873.

To authorize the commissioners court of Sumter county to levy a tax not to exceed 50 per cent. on the county tax of said county, to provide a sinking fund to pay the debt of said county.

Authority.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners for Sumter county, be and they are hereby authorized to levy a tax not to exceed 50 per cent. on the county tax of said county to be known as a sinking fund, to pay the debt of said county.

Duty of tax assessor.

SEC. 2. *Be it further enacted*, That it shall be the duty of the tax assessor of Sumter county in making the assessments to show the amount of the county's sinking fund tax on each assessment list as provided in this act.

Duty of tax collector.

SEC. 3. *Be it further enacted*, That it shall be the duty of the tax collector of said county to collect the said county sinking fund tax as provided herein, in lawful currency of the United States.

Collector to pay to county treasurer.

SEC. 4. *Be it further enacted*, That said tax collector of said county shall pay when collected, the said county sinking fund tax to the county treasurer of said county.

Sinking fund to be kept separate.

SEC. 5. *Be it further enacted*, That the county treasurer of said county, shall keep said county sinking fund tax as provided herein, separate from all other funds, and that he is hereby authorized and required to pay out of said county sinking fund tax, claims, known as the general fund against said county, to the holders thereof, in the order in which the said claims are registered, beginning with the claims first registered; and that said treasurer is authorized to give such notice as he deems proper to carry out the intent of this act,

Compensation of county treasurer.

SEC. 6. *Be it further enacted*, That said county treasurer shall be allowed the same compensation for receiving and paying out the county sinking fund tax, as provided in this act, as he is now entitled to on all other funds.

SEC. 8. *Be it further enacted*, That all laws and parts of laws contravening this act, be and they

are hereby repealed; *Provided, however*, Nothing herein contained shall be construed to limit or restrict the court of county commissioners of said county from levying any other tax now authorized by law.

Approved April 18, 1873.

No. 268.]

AN ACT

To pay the debt of the county of Sumter, according to registration.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all claims of every description and denomination against the county of Sumter shall be paid in the order in which they were registered by the treasurer.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening this act be and the same are hereby repealed.

Approved, April 19, 1873.

No. 269.]

AN ACT

To amend section 9 of an act antitled an act to authorize the commissioners court of Tuskalooosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage, approved December 4th, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 9 of an act, entitled an act to authorize the commissioners court of Tuskalooosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secnre said bonds by mortgage, approved December 4, 1871, which is in words and figures following: "Sec. 9. Be it further enacted, That the commissioners court

of said county shall have and retain power to make all needful and usual police regulations for the protection of said bridge, and any person violating the same, after they shall have been posted at each entrance of the bridge, shall be guilty of a penal offense, for which he or she shall be indictable in the circuit court of said county," be so amended as to read as follows: Section 9. Be it further enacted, That the commissioner's court of said county shall have and retain power to make all needful and usual police regulations for the protection of said bridge, and any person violating the same, after they shall have been posted at each entrance of said bridge, shall be guilty of a misdemeanor, and shall be fined upon conviction thereof, in the county court of said Tuskaloosa county, not less than ten, nor more than fifty dollars, at the discretion of the judge trying the same; *Provided*, That all prosecutions therefor shall be commenced and prosecuted in the same manner, and within the time that prosecutions for misdemeanors are tried by the said county court.

Approved, March 22, 1873.

No. 270.]

AN ACT

To repeal an act to establish the fees of the county treasurer of Washington county, approved February 27, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the county treasurer of Washington county shall receive five per cent. on all moneys received and paid out by him in his official capacity, except the amount as State tax, and may retain the same on his annual settlements.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, March 28, 1873.

No. 271.]

AN ACT

To require the clerk of the circuit court of Wilcox county to set the causes upon the State docket of his court for trial on particular days.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be the duty of the clerk of the circuit court of Wilcox county to set the trial causes on the State docket of his court for particular days of the term, commencing with Monday of the second week of the term, to which day the witnesses must be subpoenaed; and no cause can be called for trial before the day for which it is set, except by consent; and where the case is not disposed of at the first term, the witnesses must be summoned by the clerk, by the issue of a subpoena, to each term until the cause is disposed of.

Approved February 18, 1873.

No. 272.]

AN ACT

To authorize the commissioner's court of Winston county to levy a special tax to pay the grand and petit jurors.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioner's court of Winston county be authorized to levy a special tax to pay the grand and petit jurors of Winston county, and that it be set apart for this purpose and no other.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the foregoing, be and the same is hereby repealed.

Approved March 28, 1873.

No. 273.]

AN ACT

To repeal an act entitled an act to amend section forty-three hundred and forty-five (4345) of the Revised Code of Alabama, so far as relates to the county of Winston.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to amend section forty-three hundred and forty-five (4345) of the Revised Code of Alabama, approved January 30, 1870, be and the same is hereby repealed, so far as relates to the county of Winston.
Approved, March 19, 1873.

No. 274.]

AN ACT

To incorporate the town of "Alabama Furnace" in the county of Talladega.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of "Alabama Furnace" in the county of Talladega, be and the same is hereby incorporated, and the corporate limits shall extend three miles in every direction from said furnace, near Salt creek, on the line of the Selma, Rome and Dalton railroad, except in the direction of the town of Mumford, in which direction said line shall not approach nearer than a distance of one mile from the centre of said town of Mumford.

Limit.

Powers and authority conferred.

SEC. 2. *Be it further enacted,* That an election shall be held in the said town of Alabama Furnace, on the first Monday of April next, at 11 o'clock a. m. and close at five o'clock p. m., for the purpose of electing an intendant and five councilmen, who shall serve for one year, and until their successors are duly elected and qualified; and S. S. Glidden, John T. Vincent and R. Williams are hereby appointed commissioners to hold said election, and either of said commissioners in the absence of the others, with two free holders of said town are authorized to hold said election; all subsequent elections shall be held by the intendant and councilmen, or by the councilmen on the first Monday in April in each and every year thereafter; and if for any cause whatever, said election shall not be then held, the same may be held as soon as may be thereafter, upon giving ten days notice thereof, by written or printed notices posted up in two or more public

places in said town ; all vacancies in the board to be filled by the board until the regular annual election thereafter.

SEC. 3. *Be it further enacted,* That all the powers and authority conferred upon the corporate authorities of towns incorporated under the provisions of the Revised Code of Alabama, shall be and are hereby invested in said Intendant and councilmen ; and they shall be further authorized to levy and collect taxes from persons liable to pay tax and upon property subject to be taxed by law, for the opening and improving of roads or streets in said town, said tax not to exceed one half of one per cent on the property in said town.

SEC. 4. *Be it further enacted,* That the Intendant of said town shall be a justice of the peace within and for said town "*ex-officio*" and the marshal of said town shall be a constable therein, upon the execution of bonds and taking the oath of office required by law of such officers.

Intendant a justice of the peace.

SEC. 5. *Be it further enacted,* That it shall be a misdemeanor, punishable by fine not exceeding one hundred dollars, and imprisonment in the county jail for a term not exceeding six months for each and every offense, for any person or persons to sell, give or otherwise dispose of any intoxicating liquors either distilled, fermented or vinous, within the corporate limits of said town ; *Provided,* Nothing herein contained shall prevent licensed druggists and practicing physicians from disposing of or using spirits or liquors for medical purposes.

Sale of liquors prohibited.

SEC. 6. *Be it further enacted,* That at the first election in said town all male residents of said town who have resided in said town thirty days previous to the election, and who are twenty-one years of age shall be entitled to vote. At subsequent election only those males twenty-one years of age, who have resided in the State six months, in the county three and the town ten days, and who are legal voters according to the laws of the State shall be entitled to vote.

Voters at first and subsequent elections

Approved March 17, 1873.

No. 275.]

AN ACT

To amend an act entitled an act to establish a new charter for the town of Athens, in the county of Limestone, approved March 8, 1871.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the second section of the above act, which is in the following words, to-wit: "Section 2. Be it further enacted, That the corporate limits of the town of Athens shall embrace an area of land one and a half miles square, whose centre shall be the court house on the public square in the town, and whose four boundary lines, each of which shall be one and one half miles in length, shall run parallel with a corresponding boundary line of the present public square of said town and be equi-distant east, west, north and south from the court house," be and the same is hereby amended so as to read as follows, to-wit:

Amended section.

SEC. 2. *Be it further enacted*, That the corporate limits of the town of Athens shall embrace an area of land one mile square, and whose centre shall be the court house on the public square in the town, and whose four boundary lines, each of which shall be one mile in length, shall run parallel with a corresponding boundary line of the present public square in said town, and be equi-distant east, west, north and south from the court house.

SEC. 2. *Be it further enacted*, That said section second of said original act, be and the same is hereby repealed.

Approved March 19, 1873.

No. 276.]

AN ACT

To amend the sixth section of an act entitled an act to incorporate the city of Birmingham, in Jefferson county, approved December 19, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section sixth of said act, which reads as follows, viz.: That the said board shall

have full and complete power to make all by-laws and ordinances of whatever kind, and upon whatever subject to them may seem right and proper for the good government of said city, to levy and collect taxes to defray the expenses of the corporation, not to exceed in the aggregate one half ($\frac{1}{2}$) of one per cent. upon the assessed value of the property as assessed hereafter in each and every year by the State assessors, to affix such fines, not exceeding twenty dollars, and imprisonment in the county jail upon the payment of the fees of the jailor of said county for feeding such prisoner or prisoners, at the price prescribed by law for feeding State prisoners, not exceeding ten (10) days, for any one transgression, as may by them be deemed necessary to enforce a due observance of the laws and ordinances of said corporation not repugnant to the laws of this State; be amended so as to read as follows: That said board shall have full, complete and exclusive power, to pass by-laws and ordinances, to declare, prevent, and remove nuisances, at the expense of the persons causing the same, or on whose premises it may be found; license, tax, regulate and restrain theatrical and other amusements, and the retailing of spirituous, vinous and malt liquors within said city; to restrain and prohibit gaming, houses of ill fame, disorderly conduct, and breaches of the peace, riots, routs, all unlawful assemblies, and public indecencies; to establish and appoint night and day watchmen and patrols, and captains thereof; to divide the city into wards, and regulate the same; to regulate and establish markets, and city prisons; to sink, build and repair public wells and cisterns, and to establish and control fire plugs and public hydrants, and to make all needful provisions for supplying the city with water and with gas, and to establish and control street lamps and gaslights; to establish streets, avenues and alleys, and sidewalks and pavements, and curbing thereto; to regulate and keep the same in repair, and to establish the grades of the same; to establish and build drains, sewers, aqueducts and reservoirs, and to regulate and control the same; to establish and lay out public parks, and to regulate and control the same; to license and

Recitation.

Amended section.

regulate wagons, carts, drays, hacks and omnibusses and carriages running in the city for hire; to license all traders, dealers, pedlers, hawkers and venders, and all business professions and employments conducted and carried on in said city, and regulate the same as said mayor and aldermen shall see fit and proper; to license auctioneers, and regulate auctions; to prevent contagious and infectious diseases from being introduced into the city, and preserve the health thereof; to establish, set up and build hospitals, poor houses, and work houses, or houses of correction, and regulate the same; to purchase land for and lay out a city cemetery, and to sell burial lots in the same, and to prescribe and enforce regulations for the proper keeping of the same; to issue city bonds, coupons to run not exceeding twenty years, for the purpose of improving the streets, avenues, alleys and parks of the city, and for the building of a city hall, jail, calaboose, market house, and such other public buildings and improvements in the city, not to exceed fifty thousand dollars, as said mayor and aldermen shall deem necessary and proper; to construct street and avenue railroads, or to contract with such persons, and upon such terms as said mayor and aldermen shall deem fit and proper for the construction of such street and avenue railroads; to establish and regulate fire limits within said city, to make such provision for protection against fire as to them may seem fit and proper; to impose fines not exceeding fifty (50) dollars for any breach of their by-laws or ordinances, and enforce the collection of the same by execution against the property of offenders, and in case of breaches of the peace, disorderly conduct or the violation of any ordinance criminal in its nature, or made so by ordinance, to imprison such offenders for not exceeding thirty days or place them at hard labor for the city, not exceeding thirty days; to assess, levy, and collect taxes on all property in the city, for each year, not exceeding one per cent. on the true value thereof, in such mode and manner as said mayor or aldermen shall direct, but such assessment of real estate shall be made in each year by three resident freeholders of the city, to be ap-

pointed by said board, and each real estate taxpayer shall have the right to appeal from such assessment to the board, whose decision shall be final, and all assessments when finally made, shall be a lien on all property as assessed for the city taxes; to establish weights and measures, public scales and weighers, and regulate the same; to prevent and punish violation of the Sabbath; to regulate and control the running of railroad trains at street crossings in the city, and the blowing of steam whistles on engines. In addition to the above stated and enumerated powers, said mayor and aldermen shall have power to pass all such other ordinances and by-laws of whatever kind and upon whatever subject they shall deem fit and proper for the good government of said city not inconsistent with the constitution of the United States, the State of Alabama, and the laws made in pursuance thereof, and this act and the by-laws and ordinances passed in pursuance thereof, shall be construed liberally, and all officers made or elected by said mayor and aldermen, shall be under their control and direction, and shall be subject to be removed by said board, or changed whenever said board shall see fit and proper to do so; and said officer shall be deemed to be taken and held by such officer or officers, subject to such right of removal and change; *Provided*, the mayor shall have the power to remove any policeman, watchman or patrol, for such cause as he may see fit and proper; *Provided*, That all license tax from any of the professions shall be at a uniform rate, and but one license shall be required of any firm or partnership in any one business or profession, which license shall be taken out in the firm or co-partnership name, and not in the individual name of the persons composing such firm or co-partnership.

Approved March 15, 1873.

No. 277.]

AN ACT

To amend the charter of Camden, Wilcox county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That section two of an act to alter and amend the charter of the town of Camden, Wilcox county, approved February 6, 1867, which is in the following words words and figures, viz.:

Section 6 re-
cited.

Sec. 2. Be it further enacted, That section 6, of said act, which reads as follows, to-wit: That the intendant and councillors shall have full power and authority to make all by-laws, and ordinances of whatsoever kind, and upon whatever subjects not repugnant to the laws of this State, which to them may seem right and proper for the good government of said town; to levy and collect taxes to defray the expenses of the corporation, not to exceed the county tax upon the same kind of property; to affix such fines not exceeding twenty dollars, and imprisonment in the county jail, not exceeding twenty-four hours, for any transgression, as may by them be deemed necessary to enforce a due observance of the laws and ordinances of said town, shall be amended by striking out "twenty dollars" where they occur in said section, and inserting the words "one hundred" in lieu thereof, and by striking out "twenty four hours," where it occurs in said section, and insert "ten days in the jail, or to hard labor, upon the streets of the town for ten days, at the discretion of the officer trying the case," shall be amended so as to read as follows, to-wit: That section 6 of said act, which reads as follows, to-wit: That the intendant and councillors shall have full power and authority to make all by-laws and ordinances of whatsoever kind, and upon whatever subjects not repugnant to the laws of this State, which to them may seem right and proper for the good government of said town; to affix such fines not exceeding twenty dollars, and imprisonment in the county jail not exceeding twenty-four hours, for any transgression, as may by them be deemed necessary to force a due observance of the laws and ordinances of said town, shall be amended by striking

Section 6
amended.

out "twenty dollars," where it occurs in said section, and inserting the words "one hundred" in lieu thereof, and by striking out "twenty-four hours," where it occurs in said section, and insert "ten days in the jail, or to hard labor upon the streets of the town for ten days, at the discretion of the officer trying the case," and that the corporation of the town of Camden shall have power to levy on all property, taxable under the laws of the State of Alabama, real, personal or mixed, within the limits of said corporation, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the county tax upon the same kind of property, and to collect and enforce the same according to the provisions of this act; that an assessment of all the property of said town subject to taxation, shall be made annually to the owner of said property, if known, otherwise assessing it to owner "unknown," and upon failure or refusal of any person to give in his or her property, when required to do so, the assessor must proceed to assess from the best information he can obtain. The assessment, when completed, must be returned to the intendant and council of said town, who shall cause ten days notice to be given by posting at the court house door in said town, of the time and place when and where the intendant and council as a board, will correct errors; where errors have been corrected the assessment must be marked "approved." The assessment so approved shall have the force and effect of a judgment and execution, and the person collecting said taxes may on failure on the part of the owner of such property to pay such or said taxes, collect the same by a levy upon, and sale of such property, or any property of any kind, owned by such delinquent tax-payer; and the tax herein provided for, is hereby declared to be on the same footing, and of the same grade, as taxes levied for State and county purposes. All sales of real and personal property under the provisions of this act must be advertised by posting up a notice on the door of the court house in said town, at least four weeks before the day of sale, and such advertisement must contain a description of said prop-

erty, the name of the persons to whom assessed, and the amount of taxes for which it is to be sold. Certificates of purchase shall be given by the intendant of said town, in form similar to those given in sales of property for State and county taxes, and shall have the same force and effect to transfer title thereto; *Provided*, That any real property sold under the provisions of this act may be redeemed by the owner, his heirs or legal representatives, at any time before the expiration of two years from the date of sale, by depositing with the intendant of said town, double the amount of the purchase money, with interest thereon at the rate of ten per cent. per annum from the date of sale, all taxes on such real property which have accrued subsequently to the sale, (unless such taxes have been paid), and pay the sum of one dollar to said intendant; but the real property of any infant or lunatic, when sold for taxes under this act, may be redeemed upon satisfactory evidence of ownership, at any time within one year after such disability is removed, upon the terms herein specified; and *Provided further*, That the laws of Alabama now in force regarding the right of redemption of property sold for taxes, shall apply, as far as applicable, to rights of parties wanting to redeem real property sold under the provisions of this act. Upon failure of the owner of any real property, sold under this act, to redeem the same as provided, the intendant of said town shall make a deed to said property, and deliver said deed to the purchaser, upon the return of the certificate of purchase, and payment of one dollar for the deed. Said deed shall be in form similar to those given in sales of property for State and county taxes, and shall vest the title to said property so conveyed in the purchaser thereof. The marshal of the town of Camden shall perform the duties of assessing and collecting taxes under this act. The assessment of taxes shall commence at any time after the first day of January of each year, and shall close by the first day of July of each year. The collection of taxes shall be commenced whenever the assessment is made, but shall

not be delinquent before the 31st day of December of each year.

SEC. 2. *Be it further enacted*, That said section two of said act, as it stood before this amendment, be, and the same is hereby repealed.

Approved April 23, 1873.

No. 278.]

AN ACT.

To incorporate the town of Clanton, in the county of Baker.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Clanton, in the county of Baker, be and the same is hereby incorporated, and the corporate limits of said town shall extend three-fourths of a mile in every direction from the court house in said town. Limits.

SEC. 2. *Be it further enacted*, That an election shall be held (ten days' notice thereof being first given by written notice posted on the court house) in said town, on the first Monday in May, 1873, and annually thereafter, for the election of a mayor and four councilmen of said town, who shall serve for the term of one year and until their successors are elected and qualified. Said election shall commence at 10 o'clock a. m., and close at 3 o'clock p. m., and be conducted by any two councilmen. The person receiving the highest number of legal votes for the office of mayor shall be declared elected mayor; and four persons receiving the highest number of legal votes for the office of councilmen shall be declared elected councilmen. Every male citizen of said town, over the age of twenty-one years, and who have resided in said town for one month preceding the election, shall be a legal voter for mayor and councilmen; *Provided*, That any elector who has failed to pay his corporation tax shall not be entitled to vote. Election for mayor and councilmen.

SEC. 3. *Be it further enacted*, That the mayor and each councilman, before entering upon the dis-

charge of the duties of his office, shall make and submit an affidavit that he will faithfully and to the best of his ability perform the duties of his office, without favor or partiality, which affidavit shall be filed in their office. It shall be the duty of the mayor to preside at all meetings of the councilmen, and preserve order and decorum; and in his absence, the councilmen may call one of their number to the chair. And the said mayor and councilmen are hereby declared and constituted a body politic and corporate, by the name and style of the Mayor and Councilmen of the town of Clanton, by which name they and their successors in office shall be capable of suing and being sued, of pleading and being impleaded in all manner of suits, either in law or equity, and in general to do and perform all acts which are usually incident to bodies corporate, to purchase, hold, use and dispose of, for the benefit of said town, real and personal property to the value of ten thousand dollars.

Mayor ex officio justice of the peace.

Powers of the mayor.

SEC. 4. *Be it further enacted,* That the mayor shall be and he is hereby invested *ex-officio* with and may exercise in said town all the powers and authority that belong to justices of the peace by the laws of this State; and his jurisdiction shall extend only to cases that originate in the corporate limits of said town; and the marshal of said town shall be vested with all the powers and authority that belong to bailiffs in this State; and the said mayor and marshal shall be liable respectively to the same penalties and restrictions as are imposed by the laws of the State upon the several offices with which they are invested; and the mayor of said town shall have power to try all offences against the ordinances and by-laws of the corporation, and to punish the offenders by fine and imprisonment in the manner prescribed by said ordinances and by-laws; and that the councilmen shall have power to fill all vacancies in any office of the corporation occasioned by death or otherwise.

SEC. 5. *Be it further enacted,* That the mayor and councilmen shall have full power and authority to pass and enforce all ordinances deemed necessary and proper to prevent contagious or infectious dis-

eases from being introduced or kept in said town, and to preserve the health thereof; to prevent and remove all nuisances, at the expense of the person causing the same, or upon whose property it may be found; to license, tax, regulate, or restrain all shows, theatrical amusements, exhibitions and lectures; to prohibit and suppress gaming and gaming houses, cock-fighting, horse-racing, and houses of ill fame within the corporate limits; to establish night watches; to make new and alter streets or alleys; to clear and keep in repair said streets; to restrain, prohibit and punish vice and immorality, disorderly conduct, affrays, assaults and batteries, and all other breaches of the peace within the corporate limits, and generally to pass such by-laws and ordinances not contrary to the laws of the State and of the United States, as they shall from time to time deem necessary and proper to carry into effect the true meaning and intent of this act, and the same to enforce, alter and repeal. They may provide for the punishment of all persons violating any of the ordinances or by-laws of said corporation by fine not exceeding fifty dollars, and by imprisonment not exceeding twenty days. They may also establish a tariff of fees to be paid the officers of the corporation. In case of the violation of the ordinances and by-laws by the defendants, on conviction, and may enforce, by appropriate process, the collection of the same. They shall have power to fix the fees and salaries of the clerk and marshal. The mayor and two councilmen, or, in the absence of the mayor, three councilmen shall constitute a quorum for the transaction of business.

Authority to
adopt ordinan-
ces.

SEC. 6. *Be it further enacted*, That the mayor and councilmen, for the purpose of properly managing and governing the affairs of said corporation, shall, within ten days after their election, elect by ballot a clerk, treasurer and marshal of said town, and prescribe the duties of said officers, when elected. They shall also have power to remove from office the said clerk, treasurer and marshal, upon satisfactory reasons, and appoint others and fix the salaries of such officers as in their judgment they may deem sufficient; and take bonds from the

Subordinate
officers.

clerk, treasurer and marshal in such sums as they may deem sufficient for the faithful performance of duty.

Exemption of inhabitants.

SEC. 7. *Be it further enacted*, That the inhabitants of the town of Clanton shall be exempt from working on public roads and highways out of such corporation, but the streets and highways within the corporate limits shall be kept in repair by the corporation.

Imprisonment in county jail.

SEC. 8. *Be it further enacted*, That in all cases when any person or persons shall be convicted of offences against the law, by-laws or ordinances of said town, and such person or persons shall fail or refuse to pay or secure to be paid the fine or fines imposed, it shall be lawful for the mayor or councilmen before whom such person or persons was tried and convicted, to commit such person or persons to the common jail of such county for any period not exceeding forty-eight hours, unless such fines and costs are sooner paid ; *Provided*, That the said corporation shall pay all jail fees in all cases where they cannot be collected of the offender, which jail fees shall be the same as collected by law from other persons.

Sale of liquors permitted when licenses are procured.

SEC. 9. *Be it further enacted*, That the sale of spirituous, vinous or malt liquors by wholesale or retail shall not be prohibited within the corporate limits of said town when the person or persons engaged in said traffic, or about to engage in it, shall have first procured a license therefor from the State, and also a license from the corporation, which said corporation license shall in all cases be regulated by the State license in similar cases, and in no case to exceed the tax imposed by the revenue laws for the benefit of the State ; *Provided*, That no apothecary, druggist or physician selling spirituous, vinous or malt liquors strictly for medical purposes, shall in any wise be taxed by said corporation.

Commissioners to hold elections.

SEC. 10. *Be it further enacted*, That for the purpose of carrying out the provisions of said act of incorporation, Jesse Jones, William Meredith and --- Baker, or any two of them, be and are hereby appointed commissioners to hold the election provided for in the second section of this act.

SEC. 11. *Be it further enacted,* That the mayor of said town, elected under the provisions of this act, and in his absence, any one of the councilmen elected under the provisions of this act, are hereby authorized and empowered to try any and all persons charged with the violation of the laws, by-laws or ordinances of said incorporation, and upon conviction, impose such fines and penalties as are provided for a violation of the laws, by-laws and ordinances of said incorporation.

Powers of mayor and councilmen.

Approved April 23, 1873.

No. 279.]

AN ACT

To incorporate the town of Clayton in the county of Barbour.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Clayton, in the county of Barbour, be and the same is hereby incorporated and that the corporate limits of said town embrace one mile square, the court house where it now stands to be the centre of the same, and the lines defining said corporate limits, to be run east and west, north and south.

Boundaries.

SEC. 2. *Be it further enacted,* That on the first Monday in April, A. D. 1873, and on the same day in each and every year thereafter, an election for intendant, five councilmen and one marshal, shall be held by the qualified electors, at the court house, who shall serve for the term of one year thereafter, and until their successors are elected and qualified; the person receiving the highest number of legal votes for councilmen will be elected councilmen, and the person receiving the highest number of votes for marshal, will be elected marshal, and in case of a tie, the three inspectors shall decide by casting the second vote.

Elections.

SEC. 3. *Be it further enacted,* That the polls in said election shall be open at eleven o'clock p. m. of said first Monday in April, and that all male residents over the age of twenty-one years, who have

Voters.

resided within said corporate limits, ten days next preceding said election shall be qualified electors; that no person shall be eligible to the offices of intendant, councilmen or marshal, who has not resided within said corporate limits for six months next preceding such election.

First election. SEC. 4. *Be it further enacted,* That the first election under and by virtue of this act, shall be managed by Herbert Dent, A. C. Helms and Geore Petty, who shall, before opening the polls, subscribe to the oath now prescribed by the State election law for inspectors, and upon entering upon their duties, they shall prepare a tally sheet upon which they shall enter every voters name after numbering his ballot, the first being one, the second two, and so on until the last ballot is taken, and when the polls are closed, they shall count the ballots, compare them with the tally sheet and give to each party elected a certificate of election, which shall be his authority for performing the duties enjoined upon him by this act, and the said tally sheets and ballots shall be placed in the possession of the intendant and council by the said inspectors, which shall be kept by them for reference and inspection by the parties interested; that all elections after the said first election shall be managed as the council directs.

Corporate name. SEC. 5. *Be it further enacted,* That the name and style of said corporation shall be "town council of Clayton," and by this act, made a body corporate and politic under said name, under and by which name and style, and acting by and through the proper officers, all corporate powers and privileges of said town by this act granted, shall be executed and carried into effect as required under its name aforesaid, the said town may sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive and hold, sell, grant, alien and mortgage, both real and personal property, and may have and use a common seal, which may be changed at pleasure, and may do and perform all acts incident to such incorporations not inconsistent with the laws of this State.

SEC. 6. *Be it further enacted,* That the officers provided for by this act, before entering upon the duties of their offices, shall subscribe to the oath of office prescribed by the Constitution of this State. Officers tak-
an oath.

SEC. 7. *Be it further enacted,* That the said council shall have power to appoint a treasurer, clerk, and an assessor, who shall enter into bond, with good and sufficient surety in such sum as the council may direct, to be approved by the intendant; that the marshal provided for by this act shall also enter into bond with good and sufficient sureties, in such sum as the council directs, to be approved by the said intendant, and they shall each receive such compensation as the council may deem necessary. Subordinate
officers

SEC. 8. *Be it further enacted,* That said town council shall have power and authority to pass all such by-laws as may be deemed necessary and proper for its own government; and for the protection of the morals and health of the town; to remove all nuisances at the expense of those creating the same. Power to pass
by-laws.

SEC. 9. *Be it further enacted,* That said town council shall have full power and authority to license, tax, regulate and restrain all shows and theatrical performances, lectures and exhibitions of any and all kinds, to license or tax peddlers in said town, to tax all gift enterprises, raffles, lotteries and associations, to prohibit and suppress gaming and gambling houses, and to tax and license auctions and auctioneers in said town, provided that the same shall not apply to sales made under judgment or decree of any court, mortgage, administrators or executors; to license and regulate drays, hacks and carriages and vehicles of any and all kinds running in said town for hire, to license and tax hotels, barber shops, eating saloons; to open new streets and alleys and to keep all streets and alleys in repair, to license and tax livery and sale stables, practicing lawyers and physicians and dentists; and to license and tax all professions, trades, occupations and callings not herein specifically enumerated, which are taxed by the laws of this State, and such town council shall have full power and authority to enforce, alter and repeal the provisions of their ordinances. Powers of
council.

Power over
subordinate of-
ficers.

SEC. 10. *Be it further enacted,* That the town council shall have full power and authority to prescribe the duties of the marshal, clerk, treasurer, and assessor of said town, to remove them from office for proper causes, to be judged by the said town council.

Power to fine
and imprison.

SEC. 11. *Be it further enacted,* That said town council shall have full power and authority to levy such fine for the breach of their by-laws and ordinances not exceeding fifty dollars, as they may deem proper, and enforce and collect the same in such manner as prescribed by ordinances, by execution against the property of the offender, or by imprisonment in the common guard house of the town or jail of the county, for not longer than twenty days, or by putting the offender at work on the streets of said town under the charge and custody of the marshal for not longer than ten days.

Compel attend-
ance of wit-
nesses.

SEC. 12. *Be it further enacted,* That said town council shall have power to enforce the attendance of witnesses in any matter before them in the same manner as justices of the peace have in this state.

Power to levy
taxes, and the
limit.

SEC. 13. *Be it further enacted,* That said council shall have power and authority to assess levy, and collect annually within its limits all the revenue necessary for its government as follows: That the town council shall have full power to tax or license parties selling whiskey in quantities of one quart or more in an amount not more than one hundred and fifty dollars or one per cent. on gross amount of sale, and to tax merchandise and stocks in trade not otherwise taxed not more than three-fourths of one per cent. on greatest amount of stock at any one time, and a tax of one per cent. on all personal and real property not otherwise taxed according to its true value, exempting two hundred dollars' worth to each tax payer, and the owners of real estate shall have two years to redeem under tax sale, except minors; lunatics and married women shall have two years, after their disabilities are removed for all real estate sold under this act, and shall have power to tax pleasure carriages and other vehicles not more than one and one-half per cent. on the value there-

of, provided that there shall be no poll or street tax levied or collected by its officers.

SEC. 14. *Be it further enacted*, That said town council, for the purpose of causing a fair and equal assessment of the taxable property of said town to be made shall have power and authority to appoint a board of assessors, to consist of one of the officers of said town, and to be resident landowners, whose duty it shall be to make an assessment under oath of all the real estate in said town and the same to return to the said town council, and the person appointed by said town council for the purpose of assessing all other taxable property, than realty, shall have authority to receive from every person liable to tax in said town, his or her declaration, under oath, of every item and particular upon which such person is liable to be taxed, together with its valuation, at and within the time appointed by the council, in the same manner and with same restrictions as apply to the regular State and county assessment list, the same to be referred to the council who shall make a fair assessment, the said assessment to be turned over to the intendant of said town, who shall cause at least ten days notice, by publication in newspaper, or notice posted, that assessments are closed, and the time when the council will hear and determine complaints, and it shall be the duty of the council to correct errors and supply omissions or deficiencies in such assessments, and when the same shall have been passed upon and approved by the intendant, it shall have the effect of a judgment at law and execution may issue thereupon and be collected by levy and sale of property; and sales made under and by virtue of such assessments shall convey to the purchaser the same titles as sales of property for State and county taxes, and the clerk shall give to the purchaser a deed of conveyance which shall vest in the purchaser, the same interest that was held by the person against whom the tax was assessed at the time of assessment; and when the owner is unknown, the entire equitable and legal interest in such real estate; *provided*, that when tax is assessed upon property the owner of which is unknown, ninety days notice of sale, specifying the

Assessment of property: how made.

Sales for delinquent taxes.

property and the tax, shall be given in some newspaper; *And provided further*, that the owner of any real estate sold for taxes shall have the right to redeem the same by paying to the clerk of said town, for the party interested, the amount of the purchase money, with interest at twenty-five per cent. per annum, from the date of sale, but the provisions of this act shall not operate against infants and lunatics.

Intendant, ex officio justice of peace.

SEC. 15. *Be it further enacted*, That the intendant of said town shall be upon taking the oath of office and giving bond as required of justices of the peace and notaries public, is hereby invested, *ex officio*, with, and may exercise in said town all power and authority that belongs to justices of the peace and notaries public, and the marshal of said town shall be *ex officio* a constable for the purpose of performing the duties of such office in said town, and as marshal have authority to arrest without warrant all violators of the ordinances and by-laws of the said town, and to hold them in custody or release them from actual custody on their entering into bond with security to appear and answer before said council at its next regular meeting, and such bond shall be recoverable if forfeited, in the same manner as bonds for the appearance of a defendant in the circuit court, which amount when collected shall be paid into the town treasury.

Marshal, a constable.

Exemption from road duty

SEC. 16. *Be it further enacted*, That the inhabitants of said town shall be exempt from working on roads and highways out of said town, but the streets and alleys of said town shall be kept in repair by said town.

Existing claims.

SEC. 17. *Be it further enacted*, That all just claims and demands of every description now existing against said town under its present organization, shall be owing and payable under this act.

Intendant presides at meetings.

SEC. 18. *Be it further enacted*, That it shall be the duty of the intendant to preside at all the meetings and keep order, and may call special meetings of the same, when in his opinion, it is necessary; he shall hear and determines upon all causes for the breach of the ordinances and by-laws under the regulations established by said council, and may receive

such fees and salary, if any, as may be prescribed by the town council. In the absence or inability of the intendant the council may select one of their number intendant *pro tempore* who shall have power and authority the same as belongs to the intendant. Two councilmen may call a meeting, and a majority of the aggregate number of the board shall form a quorum for business. The town council shall have full power to fill vacancies in their own body.

SEC. 19. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, March 15, 1873.

No. 280.]

AN ACT

To incorporate the town of Columbiana, in the county of Shelby.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Columbiana, in the county of Shelby, be and the same is hereby incorporated, and the corporate limits of said town shall extend three-fourths of a mile in every direction from the court house in said town.

Corporation
limits.

SEC. 2. *Be it further enacted*, That an election shall be held (ten days' notice thereof being first given by written notice posted on the court house, or by publication in a newspaper published in said county), in said town on the first Saturday in May, 1873, and annually thereafter, for the election of a mayor and four councilmen of said town, who shall serve for the term of one year, and until their successors are elected and qualified. Said election shall commence at ten o'clock a. m. and close at three o'clock p. m., and be conducted by any two councilmen. The person receiving the highest number of legal votes for the office of mayor shall be declared elected mayor, and four persons receiving the highest number of legal votes for the offices of councilmen shall be declared elected councilmen. Every male citizen of said town over the age of twenty-one

First and subsequent
elections.

Electors.

Proviso.

years, and who has resided in said town for one month preceding the election, shall be a legal voter for mayor and councilmen; *Provided*, That any elector who has failed to pay his corporation tax shall not be entitled to vote.

Body corporate

SEC. 3. *Be it further enacted*, That the mayor and each councilman, before entering upon the discharge of the duties of his office, shall make and submit an affidavit: That he will faithfully and to the best of his ability perform the duties of his office, without favor or partiality; which affidavit shall be filed in their office. It shall be the duty of the mayor to preside at all meetings of the councilmen, and preserve order and decorum, and in his absence the councilmen may call one of their number to the chair, and the said Mayor and councilmen are hereby declared and constituted a body politic incorporate, by the name and style of the "mayor and councilmen of the town of Columbiana," by which name they and their successors in office shall be capable of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity, and in general to do and perform all acts which are usually incident to bodies corporate: to purchase, hold, use and dispose of for the benefit of said town, real and personal property to the value of ten thousand dollars.

Mayor ex officio justice of the peace.

SEC. 4. *Be it further enacted*, That the mayor shall be and he is hereby invested *ex-officio* with, and may exercise in said town all the power and authority that belongs to justices of the peace by the laws of this State, and his jurisdiction shall extend only to cases that originate in the corporate limits of said town, and the marshal of said town shall be vested with all the powers and authority that belong to bailiffs in this State, and the said mayor and marshal shall be liable respectively to the same penalties and restrictions as are imposed by the laws of this State upon the several offices with which they are invested, and the mayor of said town shall have power to try all offences against the ordinances and by-laws of the corporation, and to punish the offenders by fine and imprisonment in the manner prescribed by said ordinances and by-laws, and that

the councilmen shall have power to fill all vacancies in any office of the corporation occasioned by death or otherwise.

SEC. 5. *Be it further enacted,* That the mayor and councilmen shall have full power and authority to pass and enforce all ordinances deemed necessary and proper to prevent contagious or infectious diseases from being introduced or kept in said town, and to preserve the health thereof; to prevent and remove all nuisances at the expense of the person causing the same, or upon whose property it may be found; to license, tax, regulate or restrain all shows, theatrical amusements, exhibitions, and lectures, to prohibit and suppress gaming, and gaming houses, cock-fighting, horse-racing, and houses of ill-fame within the corporate limits; to establish night-watches, to make new and alter streets and alleys; to clean and keep in repair said streets, to restrain, prohibit and punish vice and immorality, disorderly conduct, affrays, assaults and batteries, and all other breaches of the peace within the corporate limits, and generally to pass such laws and ordinances not contrary to the laws of this State, and of the United States as they shall from time to time deem necessary and proper to carry into effect the true meaning and intent of this act, and the same to enforce, alter and repeal; they may provide for the punishment of all persons violating any of the ordinances or by-laws of said corporation, by fine not exceeding fifty dollars, and by imprisonment not exceeding twenty days. They may also establish a tariff of fees to be paid the officers of the corporation in case of the violation of the ordinances and by-laws by the defendants, on conviction, and may enforce by appropriate process the collection of the same. They shall have power to fix the fees and salaries of the clerk and marshal. The mayor and two councilmen, or in the absence of the mayor, three councilmen shall constitute a quorum for the transaction of business.

Powers of the corporation.

SEC. 6. *Be it further enacted,* That the mayor and councilmen, for the purpose of properly managing and governing the affairs of said corporation shall, within ten days after their election, elect by ballot a clerk, treasurer and marshal of said town,

Subordinate officers.

and prescribe the duties of said officers when elected. They shall also have power to remove from office the said clerk, treasurer and marshal upon satisfactory reasons, and appoint others, and fix the salaries of such officers as in their judgment they may deem sufficient, and take bonds from the clerk, treasurer and marshal, in such sums as they may deem sufficient for the faithful performance of duty.

SEC. 7. *Be it further enacted*, That the inhabitants of Columbiana shall be exempt from working on public roads and highways, out of such corporation, but the streets and highways within the corporate limits shall be kept in repair by the corporation.

Exempt from road duty.

Power to commit to jail.

SEC. 8. *Be it further enacted*, That in all cases, when any person or persons shall be convicted of offences against the law, by-laws, or ordinances of said town, and such person or persons shall fail or refuse to pay or secure to be paid the fine or fines to be imposed, it shall be lawful for the mayor or councilmen before whom such person or persons were tried and convicted, to commit such person or persons to the common jail of said county for any period not exceeding forty-eight hours, unless such fines and costs are sooner paid; *Provided*, That the said corporation shall pay all jail fees in all cases when they cannot be collected of the offender, which jail fees shall be the same as collected by law from other persons.

License to sell liquors.

SEC. 9. *Be it further enacted*, That the sale of spirituous or malt liquors, by wholesale or retail, shall not be prohibited within the corporate limits of said town, when the person or persons engaged in said traffic, or about to engage in it, shall at first procure the license therefor from the State and county, and also a license from the corporation, which said corporation license shall, in all cases, be regulated by the State license in similar cases, and in no case exceed the tax imposed by the revenue laws for the benefit of the State; *Provided*, That no apothecary, druggist or physician selling spirituous or malt liquors, strictly for medicinal purposes, shall in anywise be taxed by said corporation.

SEC. 10. *Be it further enacted*, That for the purpose of carrying out the provisions of said act of

incorporation, James T. Leeper, D. T. Castleberry, and James H. Duran, or any two of them be and are hereby appointed commissioners to hold the election provided for in the second section of this act.

Commissioners appointed.

SEC. 11. *Be it further enacted*, That the mayor of said town, elected under the provisions of this act, and in his absence, any one of the councilmen elected under the provisions of this act, are hereby authorized and empowered to try any and all persons charged with a violation or the laws, by-laws, or ordinances of said incorporation, and upon conviction, impose such fines or penalties as are provided for a violation of the laws, by-laws and ordinances of said incorporation.

Authority to try offenders.

SEC. 12. *Be it further enacted*, That an act to incorporate the town of Columbiana, in said county of Shelby, approved February 6, 1858, and all acts amendatory thereof, and also an act to revive an act to incorporate the town of Columbiana, in the county of Shelby, approved February 18, 1871, be and the same are hereby repealed.

Certain acts repealed.

Approved March 25, 1873.

No. 281.]

AN ACT

To amend sections two and six of an act entitled an act to to incorporate the town of Dadeville, in the county of Tallapoosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act to incorporate the town of Dadeville, in Tallapoosa county, which said section is in words and figures as follows, to-wit: "Section 2, *Be it further enacted*, That the officers of said incorporation shall be one intendant, four councilmen, and one marshal, who shall be resident citizens of said town for six months next preceding their election to any of said offices, who shall be elected by the qualified voters of said town on the third Saturday in March in each year, whose term of office shall be for one year, and until their successors are elected and qualified, which

Rescitation.

election shall be held as now required by the general election law of this State, and the sheriff of said county shall give ten days' notice of the names of inspectors, and the time and place of holding said first election, by written posters at the court house door of said county, and at all other elections, that is after the third Saturday in March, 1871, the intendant shall give said notice," be so amended as to read as follows, to-wit :

Amended section 2.

Section 2. Be it further enacted, That the officers of said incorporation shall be one intendant, five councilmen and one marshal, who shall be resident citizens of said town, for three months next preceding their elections to any of said offices, who shall be elected by the qualified voters of said town on the third Saturday in March in each year, whose term of office shall be for one year, and until their successors are elected and qualified, which election shall be held as now required by the general election law of this State, and the sheriff of said county shall give ten days' notice of the names of the inspectors, and the time and place of holding the said first election, by written posters at the court house door of said county, and at all other elections, that is, after the third Saturday in March, 1871, the intendant shall give said notice.

Recitation.

SEC. 2. *Be it further enacted,* That section six of said act of incorporation, which said section is in the following words and figures, to-wit: "Sec. 6. Be it further enacted, That it shall be the duty of said intendant to preside at the meetings of said council, (and in case of his absence a member of said council may preside), whose duty it shall be to keep order at such meetings, put questions and take votes, and etc., which intendant shall be invested with the jurisdiction and powers of a justice of the peace in Tallapoosa county, and shall be subject to the same pains, penalties and liabilities, and shall try any and all offenders or violators of any ordinance or by-laws adopted by said incorporation, in accordance with this act, and pass judgment thereupon, the punishment of which shall be in no case more than forty-eight hours in the calaboose, and twenty-five dollars fine, one or both, in said intendant's discre-

tion, whose fees shall be the same as justices of the peace trying criminal cases, to be taxed and collected as cost against persons so convicted," be so amended as to read as follows, to-wit:

Section 6. Be it further enacted, That it shall be the duty of said intendant to preside at all the meetings of said council, (and in case of his absence a member of said council may preside), whose duty it shall be to keep order at such meetings,, put questions and take votes, and etc., which intendant shall be invested with the jurisdiction and powers of a justice of the peace in Tallapoosa county, and shall be subject to the same pains, penalties and liabilities and shall try any and all offenders or violators of any ordinance or by-laws adopted by said corporation, in accordance with this act, and pass judgment thereupon, (and in his absence, or during his disability, any member of said council may act), the punishment of which shall be in no case more than forty-eight hours in the calaboose, and twenty-five dollars fine and thirty days hard labor for the said incorporation, one or all, in said intendant's discretion, whose fees shall be the same as justices of the peace trying criminal cases, to be taxed and collected as cost against persons so convicted, and any person feeling himself agrieved by the judgment of said intendant, may, by entering into bond and security, to be approved by said intendant, within five days after said judgment is rendered, and paying all costs that may have accrued against him, take an appeal to the next term of the circuit court of Tallapoosa county.

Amended "Am-
tion 6.

Approved, March 5, 1873.

No. 282.]

AN ACT

To establish a new charter for the city of Demopolis.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporation of the city of Demopolis, shall hereafter consist of a mayor and Corporate body

board of six councilmen, who shall be elected by the qualified voters of the city, and said corporation shall be known and styled "the city of Demopolis," and by that corporate name, may sue and be sued, plead and be impleaded, grant, receive and do all other acts in respect to the powers herein granted and may purchase and hold real, personal and mixed property and dispose of the same for the benefit of said city, and may have and use a city seal, which may be broken or altered at pleasure.

Boundaries.

SEC. 2. *Be it further enacted,* That the corporate limits and boundaries of the city of Demopolis in the county of Marengo, shall be, and the same are hereby designated and established as follows: Beginning at the southwest corner of section twenty-four, (24) township eighteen, (18) range two, (2) east and running due east to the range line which separates range two east, from range three east, and running thence due north along said range line to the slough which runs from the Warrior to the Bigbee river, thence west along the margin of said slough to its entrance into the Bigbee river, thence down the east bank of the Bigbee river to the point where the line between sections (23) twenty-three and sections (24) twenty-four intersects said Bigbee river, thence south down said section line to the point of beginning.

Qualification for mayor and councilmen.

SEC. 3. *Be it further enacted,* That no person shall be eligible to the office of mayor or councilman unless he is a qualified voter of said city; and said mayor shall be allowed a salary not exceeding \$400.

How chosen.

SEC. 4. *Be it further enacted* That the mayor and councilmen of said city shall be elected by ballot by the male inhabitants of said city over the age of twenty-one years, who are citizens of the United States or have legally declared their intentions of so being, and have resided in this State six months, and in the city three months immediately preceding the election, but no pauper or insane person or persons, convicted of felony shall vote in any election, or for any office of said city.

Electors.

Day of election.

SEC. 5. *Be it further enacted,* That the first election for city officers, under this charter shall be held

on the first Monday in May, 1873, and annually thereafter on the first Monday in May of each year.

SEC. 6. *Be it further enacted*, That the mayor and councilmen of the city of Demopolis shall have full power and authority after the first election under this charter to lay off said city into such number of wards as they may deem proper, and to fix the limits and boundaries of same and to increase or diminish the wards at their discretion.

Wards.

SEC. 7. *Be it further enacted*, That the mayor and council shall appoint three (3) inspectors of election for said city, who shall be legal voters; and upon closing the polls, the said inspectors shall proceed immediately to count the ballots and ascertain and publicly declare the result of the election, and certify the same to the officers elect respectively and such certificate shall be *prima facie* evidence of their election; and on the failure of any inspector to attend at nine o'clock a. m., on said first Monday in May, such as may be present may complete the number, and if none of said inspectors attend as aforesaid then any three qualified electors may open the polls and conduct the election.

Inspectors and their duties.

SEC. 8. *Be it further enacted*, That before entering upon the discharge of their duties, such inspectors or persons as inspectors shall take an oath faithfully to discharge the duties required of them in preceding section 7, which oath may be administered by any person authorized by law to administer the same, or by said inspectors to each other; and if any inspector or person acting as such, shall wilfully violate said oath, or fail, or neglect to discharge the duties prescribed in section No. 7, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, or to hard labor for the county for not less than twelve months, either or both, at the discretion of the judge or jury trying the offences.

Inspectors to take an oath.

SEC. 9. *Be it further enacted*, That there shall be a marshal and treasurer elected annually for said city by the council aforesaid.

Marshal and treasurer.

SEC. 10. *Be it further enacted*, That the mayor shall give thirty days public notice of said municipi-

Notice of election.

pal elections, by posting in two or more public places in said city, of the time and place of holding the same, and that the ballots cast at said elections shall be preserved by the inspectors aforesaid for fifteen days from the time of said election, subject to the inspection and to be used in any case of contest for any of the offices voted for.

How contested

SEC. 11. *Be it further enacted*, That any election held under this act, may be contested in the same manner as is, or may be provided by the laws of this State for contesting the election of a probate judge, and all the provisions of such laws in relation to contesting the election of a probate judge shall so far as the same are, or may be applicable, apply to contests of any elections held under this act.

Election may be held at another time.

SEC. 12. *Be it further enacted*, That should the election of city officers not take place on the day fixed by this act, the corporation shall not for that cause be dissolved; the incumbents shall remain in office until their successors are duly elected and qualified, and it shall be the duty of the council to appoint some other day as early as practicable, and to give public notice thereof, on which the election shall be held.

Bonds of officers.

SEC. 13. *Be it further enacted*, That for malpractice, incapacity, intemperance or gross negligence on the part of any person holding any municipal office in this city, the city council shall have the power to remove such person from office; all city officers before entering upon their duties shall take and subscribe an oath to discharge the duties of their respective offices to the best of their skill and ability; which oaths may be administered by the mayor to the councilmen, and by any one councilman to the mayor, and when subscribed shall be filed in the office of the mayor of the city. The mayor shall give bonds in a penalty of one thousand dollars, with two or more good sureties; the marshal, a bond of one thousand dollars (\$1,000) with two or more good sureties; and the treasurer a bond of three thousand dollars, with two or more sureties payable to the city of Demopolis, and approved by the council, and before such approval each of said

sureties shall make an affidavit to be attached to such bond that he is worth the amount of the bond upon which he is surety, over and above his legal exemptions and liabilities, and said bonds shall after such approval be filed and recorded in the office of the probate judge of Marengo county: and for any breach of said bonds, any tax-payer may bring suit in the name of said city and the amount of recovery in such suit, after paying the expenses thereof, shall be paid into the city treasury.

SEC. 14. *Be it further enacted*, That any officer in this charter mentioned, who shall embezzle or fraudulently convert to his own use any money or property which has come into his possession by virtue of his office, must be punished on conviction as if he had stolen it.

Embezzlement
and penalty.

SEC. 15. *Be it further enacted*, That all persons in said city, who are liable to road duty under the State law, may be required to work on the streets in said city for ten days or such work may be commuted by the payment of three dollars, and they are hereby exempt from labor on the public roads of the county.

Citizens liable
to street duty.

SEC. 16. *Be it further enacted*, That the council shall elect one of their number to be mayor *pro tem*, who shall act in the stead and perform the duties required of the mayor during his absence, inability or incapacity to act, and during the time such mayor *pro tem* may act, he shall be entitled to receive the fees attaching to the office.

Mayor pro tem-
pore.

SEC. 17. *Be it further enacted*, That in case the mayor shall die, resign, be unable to discharge the duties of his office, or be absent from the city two consecutive months without leave of the board of council, the vacancy shall be filled by election in the manner herein before provided for, and in case any member of the board of councilmen shall die, resign, be unable to discharge the duties of his office or be absent from the city for two consecutive months without the leave of the board, or after his election, remove from the city, the seat of such member shall be declared vacant by said board, and the said vacancy shall be filled by the remaining members of the board.

Vacancy in of-
fice of mayor.

Quorum and
proceedings of
the board.

SEC. 18. *Be it further enacted,* That a majority of the councilmen shall constitute a quorum for the transaction of business, and in case of a tie, the mayor shall give the casting vote; they shall have power to hold and adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor, they shall keep a journal of the proceedings, and shall enter the yeas and noes on any question, resolution or ordinance at the request of any member. All ordinances and by-laws for said city shall be passed by a majority of the board of councilmen, and be approved by the mayor. When any ordinance or by-law is passed by a majority of the board of councilmen, it shall be presented to the mayor for his approval and signature, and if he approve and sign the same it shall become a law, and if he should not approve it, he shall return it with his objections to the board, and at the next regular meeting, in case of his non-approval or failure to return the same as aforesaid, a vote of two-thirds of the councilmen in favor of said ordinance or by law, shall make it a law.

Powers of the
mayor and
councilmen.

SEC. 19. *Be it further enacted,* That the said mayor and councilmen shall have full power and authority to pass all laws and ordinances, to declare, prevent and remove nuisances, to prevent the introduction of contagious and infectious diseases, within said city, by regulating the landing of boats and stoppage of railroad trains having sick on board, and to provide places for the reception of the sick—to license and regulate the sale of ardent spirits within the corporate limits and to provide for annulling and revoking such licenses on good cause being shown, to close up retail liquor establishments for such time as they may deem necessary. to prevent the retailing of spirituous liquors within the corporate limits whenever they deem it expedient, to erect and repair bridges, to construct drains and sewers, and keep them in repair, to prohibit and disperse all unlawful and disorderly assemblies—to license and regulate hackney coaches, hacks, wagons, carts and drays running for hire within the corporate limits, to restrain or prohibit gambling, gaming houses, and houses of ill fame. to license, restrain

and regulate theatrical and other exhibitions, circuses or shows for money of whatever character, kind or name and also lectures and concerts for pay except lectures and concerts for charitable purposes—to keep in repair all necessary streets, alleys and commons, to open all streets as laid down on the maps of said city, to license and regulate pawn-brokers, billiard rooms and ten-pin alleys, to levy and collect taxes as prescribed by this act, to fix the price of all licenses granted by the corporation and to enforce the collection of the same, to prevent and punish violations of the Sabbath, to prevent stock of any kind from running at large in the public streets, alleys or commons of the city, to pave, gravel, macadamise or otherwise improve any street or sidewalk in said city, to fix the fees of all municipal officers, to prohibit riots, routs, affrays, assaults and batteries and all other breaches of the peace and misdemeanors, to provide for the punishment by fine or by fine and imprisonment, or either, of the breach of the laws, by-laws or ordinances of the city; but no fine exceeding one hundred dollars, and no imprisonment shall exceed ninety days and to provide in cases where the fine and costs are not paid by the party convicted, that the party so in default shall work out such fine and costs under the direction of the council, and to pass all such laws and ordinances as may be necessary for the government of the city, not inconsistent with the constitution and laws of the State.

SEC. 20. *Be it further enacted*, That the mayor and councilmen shall have authority to cause all vagabonds, idle or disorderly persons, all persons of ill fame or evil life, and such as have no visible means of support, or are likely to become a public charge as paupers, or who are found begging or drunk in or about the streets or alleys of the city or who can show no reasonable course of business or employment in the city, all who have no fixed place of residence or cannot give a good account of themselves, all who are grossly indelicate in language or behavior publicly or in the streets, and all prostitutes, or such as lead notoriously a lewd or dissipated course of life, to give security for their good behavior for a

reasonable time, and to indemnify the city against any charge for their support, and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time not to exceed six days in any one month, unless such security shall be sooner given, which said labor shall be such as may be designated by the mayor and councilmen for the benefit of the city, and if such persons shall be found afterwards so offending such security may again be required and in want thereof the like proceedings may be had from time to time, as often as may be necessary in each and every month.

Marshal ex officio constable.

SEC. 21. *Be it further enacted*, That the city marshal is hereby constituted *ex-officio* constable of the State within the city of Demopolis, and shall be entitled to the same fees for like services and as such is authorized to preserve the peace, and arrest for violation of law in their presence either with or without warrant as other peace officers of the State are authorized to do, and he is hereby authorized to execute all processes to him directed, and for the purpose of performing his duties, is empowered to call to his aid all citizens; he shall be entitled to the same exemptions, privileges and protection given by law to constables and peace officers of the State. The mayor and council shall allow the marshal such salary or compensation in addition to the specified fees to which he may be entitled, as they may deem proper, not exceeding six hundred dollars, and in all cases in which the marshal is a party to any suit or proceedings before the mayor, he, the mayor shall appoint some person to act as special marshal as he may deem necessary and in cases of emergency the mayor may appoint such special marshal as he may deem necessary.

Salary and fees

Mayor ex officio justice of the peace.

SEC. 22. *Be it further enacted*, That the mayor or councilman of said city acting as mayor is hereby vested *ex-officio*, with and may exercise in said city all the powers and authority of justices of the peace and shall be liable respectively to the same penalties and restrictions as are imposed by law on such officers, he shall have power to fine or to fine and imprison or to sentence offenders to labor on the

streets or other public works of the city and in case the fine and costs be not paid, to require the party thus in default to work out the fine and costs under the direction of the city officers; *Provided*, That no fine shall exceed one hundred dollars and no imprisonment more than ninety days, but in case the parties so tried are dissatisfied with the judgment rendered, he or they may, at any time within five days, and not after, appeal to the circuit court of Marengo county, by giving bond and security to be approved by the officer trying the case, to pay and satisfy the judgment and costs in case the judgment shall be affirmed on appeal, or to pay such judgment as the appellate court may render, the proceedings in such appeals shall be as prescribed by law in other cases of appeal.

SEC. 23. *Be it further enacted*, That the said mayor and councilmen shall have full power and authority to levy and collect taxes on all real and personal estate, taxed by any act of the General Assembly of this State, not to exceed one quarter of one per cent of the assessed value thereof, that the said tax upon the real and personal estate be laid in accordance with and conformity to the assessment and valuation of said real and personal property as made for State and county purposes by the assessor thereto duly appointed, which tax shall be laid in the manner following, to-wit: The assessment and valuation when completed, containing all the property as well as the owners thereof, shall be lodged with the mayor of the corporation, and the mayor and councilmen shall assess a tax not exceeding one quarter of one per cent of the value thereof as aforesaid, which assessment or valuation, together with the names of the persons liable to taxation, with the tax laid thereon, shall be open for inspection to all and every person interested therein, and the said mayor and councilmen shall give twenty days public notice within the limits of the city of Demopolis, that said assessment or valuation, together with the tax laid thereon, is ready for inspection, and if any person shall be dissatisfied with such assessment or valuation, or the tax laid thereon, he shall give notice to the mayor and councilmen to alter said assessment or

Power to levy taxes.

valuation, together with the tax laid thereon, when the matter in dispute shall be referred to a board of arbitration, composed of three tax-payers in said city, one to be selected by the mayor, one by the party complaining and these two to select the third party, who shall hear testimony and the award of a majority of whom, in the matter in dispute, shall be final; and after twenty days have elapsed from the time of giving the notice aforesaid, the said mayor shall issue his warrant annexed to the tax list to the marshal of the corporation containing a description of the real estate taxed, together with its valuation and the taxes assessed thereon, and also the amount of the personal property valued and assessed to each person, together with the tax assessed thereon.

Taxes have
effect of a judgment:
their enforcement.

SEC. 24. *Be it further enacted*, That all taxes assessed under this charter shall have the force and effect of a judgment at law against the individual assessed with the same, and it shall be the duty of the marshal, after giving thirty days notice by publication in the city of Demopolis, that the city taxes on the particular tax or dues as the case may be are required to be paid to him, on or before a certain day specified, if the same shall not be paid, to levy on the personal property of the individual or corporation assessed and to sell the same, or so much thereof as shall be sufficient to pay the tax assessed and one dollar to the marshal for making a levy and sale, and the sale shall be advertised for at least twenty days in said city; that the marshal may sell real or personal property for taxes, but the personal property shall first be exhausted before selling the real estate as required by law, either for city or special taxes of any kind, and no property shall be exempt from levy and sale for the taxes due and owing by the owner thereof; *Provided*, That no real estate shall be sold for taxes, if sufficient personal property can be found out of which to make the same, together with the lawful costs and charges.

How as to "unknown" owners.

SEC. 25. *Be it further enacted*, That when any real estate is assessed to owners unknown and the taxes and dues assessed thereon are not paid within sixty days form the time they are required to be paid, then the marshal give notice by posting in two

or more public places in the city, describing therein the lots on which the taxes are due, that he will proceed to sell such lot or lots, or so much thereof as will be sufficient to pay the taxes due and costs on a day and at a place therein named and on such day or on such other day as such sale may be adjourned to, he shall proceed to sell any lot on which the taxes and dues are unpaid, or so much thereof as will be sufficient to satisfy the same, together with the costs and charges thereon, to-wit: A fee of two dollars for advertising and for the certificate of purchase; *Provided*, that the real estate of minors and tenements of non-resident owners may be rented out until the taxes and costs due thereon are paid.

SEC. 26. *Be it further enacted*, That the marshal shall give purchasers at tax sales a certificate as follows, viz: I — of the city of Demopolis, hereby certify that the city taxes for the year — (or the particular taxes as the case may be) being due and unpaid on the following lot in said city, (here insert a description of the property) was this day sold by me to —, who became the purchaser thereof, at public outcry, for the sum of — dollars, including my fee for making said sale, with this certificate; the receipt whereof is hereby acknowledged, and by virtue of the authority in me vested by law I authorize the said — and his assigns to hold said premises until the same are redeemed according to law, witness my hand and the seal of the corporation, this — day of — A. D. — seal — city marshal, to which the Mayor shall fix the city seal, the marshal put the holder of such certificate in possession of the premises so sold within thirty days after said sealing of the certificate, which shall be evidence of the right to possess the premises therein specified, and to retain the same until redeemed in the manner herein directed, and in cases where the lot or land sells for less than the taxes due, the city may bid in the same, otherwise the marshal shall certify the price for which the same sold and the amount of the tax still due and unsatisfied by said sale.

Marshal's certificate to purchaser.

SEC. 27. *Be it further enacted*, That the council shall cause all certificates of tax sales to be re-

Certificates to
be recorded.

corded before the seal of the city is affixed thereto, and no other fees or charges shall be received for making said certificate seal or record than is prescribed by this act, and the city is authorized to purchased property sold at tax sales, which sells for no more than the amount of taxes due and the expense of sale.

Redemption.

SEC. 28. *Be it further enacted*, That any real estate sold for city taxes may be redeemed at any time within two years from the day of sale by any person having the legal right to redeem the same or his or her agent, who will deposit with the city treasurer for the use of the purchaser the amount of the purchase money, together with the amount of all taxes and other necessary expenses paid or incurred by said purchaser in relation to the purchase, with ten per cent per annum interest, together with all the taxes which may remain due to the city on said property after applying to their payment the amount of said purchase money, and also the fees due for making the sale, including all expenses thereof, with ten per cent interest per annum on said taxes, fees and expenses, of which sum so deposited the city shall pay the purchaser whatever may be due him, and retain whatever may be due the city or its officers, and upon such deposit being made, the title created by the sale and certificate shall cease and determine, and the purchaser and claimants under him shall relinquish possession, and shall, after notice of said redemption and a failure on their part to surrender possession, be deemed unlawful detainers of said property, and shall be liable as such to any appropriate suit or action therefor, at the instance of any one entitled to the possession.

Deed to purchaser of non-redemption.

SEC. 29. *Be it further enacted*, That when any real estate sold for city taxes is not redeemed within two years from the date of sale, the purchaser of such lot or land, his heirs or assigns, at the expiration of such time shall be entitled to a deed thereto from the marshal of the city, which deed shall be *prima facie* evidence of the regularity of all previous proceedings respecting said sale and of all the facts stated in the certificate of purchase as well

as the regular assessment of the taxes of the lots sold, of its sale under execution and of all proceedings and this act shall be construed a remedial act.

SEC. 30. *Be it further enacted*, That the marshal shall be charged with and shall be accountable for the whole amount of the assessed taxes each year, and he shall only discharge himself from such accountability by showing the insolvency of the persons assessed, and by showing that the amount for which he claims credit has not been collected by him, and could not be collected by law or otherwise; *Provided*, That all unpaid taxes shall continue a lien on the property assessed, against which execution may issue from time to time until the taxes due thereon are discharged, or the said real estate is sold for the taxes as herein directed.

Marshal
charged with
all the taxes.

SEC. 31. *Be it further enacted*, That all fines, penalties, and forfeitures adjudged or assessed against any person or persons by the mayor, or mayor *pro tem* of said city, under or by virtue of any ordinance or by-law of said city, or of this act, may be enforced and collected against any such person or persons by execution, to be issued by the mayor or mayor *pro tem* of said corporation, and directed to and to be executed by the marshal or his assistants, which execution in all respects shall, except in the direction thereof, conform to and be governed by and be executed by the said officers to whom the same is directed, in the same manner as is required by the laws of this State, regulating executions issued by justices of the peace.

Fines, penalties, etc., may be enforced by execution.

SEC. 32. *Be it further enacted*, That the mayor shall keep a regular record of the proceedings, orders, regulations, and ordinances of the board which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record, and a copy therefrom certified by the mayor shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open for inspection. The mayor shall also keep a docket of all causes instituted before him, noting and endorsing the orders, judgments, &c., therein, and the dates of the issuance and delivery of original and final process, to whom

Mayor to keep a record of the council proceedings.

delivered, and the return thereon, or the substance thereof, and he shall keep and preserve in regular order or file as well the papers in all suits or causes before the mayor as such as all other papers belonging to the board under such rules and regulations as the board may prescribe.

Monthly payment of monies.

SEC. 33. *Be it further enacted*, That the mayor and marshal of said city shall, at the end of each month, pay over to the city treasurer any and all monies or property which shall be received by them by virtue of their office, or which belongs to the city. The city treasurer shall disburse the moneys of said city only upon the written order of the council, countersigned by the mayor, and it shall be the duty of said treasurer to make with the city council semi-annual settlements, which shall be publicly posted at the mayor's office for one week after each of said settlements, or by publication in a newspaper.

SEC. 34. *Be it further enacted*, That all acts or parts of acts conflicting with the provisions of this charter be and the same are hereby repealed.

Approved, March 28, 1873.

No. 283.]

AN ACT

To incorporate the town of Elkmont, in Limestone county.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Elkmont, in the county of Limestone, be and the same is hereby incorporated, with the usual powers and privileges allowed to towns and villages in this State.

Boundaries.

SEC. 2. *Be it further enacted*, That the corporate limits and boundaries of the town of Elkmont, in the county of Limestone, shall be and the same are hereby designated and established as follows: That the corporate limits of said town embrace one-half mile square, the railroad depot where it now stands to be the centre of the same, and the lines defining said corporate limits to be run east and west and north and south.

SEC. 3. *Be it further enacted,* That there shall be elected by the qualified voters of said town, on the first Monday in April, A. D. 1873, a mayor and four councilmen, who may hold their meetings and pass all needful laws, rules and regulations for the government of said town as may be necessary, not inconsistent with the laws of the United States and the laws of the State of Alabama; and said mayor and councilmen so elected shall, after having been duly qualified, serve as such for one year from the date of their election, and until their successors are duly elected and qualified. The first election shall be held and managed by Thomas Phillips, F. G. Wilson, J. C. McWilliams, H. C. Redus and J. A. Pettus, and all subsequent elections shall be held by two of the councilmen, to be appointed by the board for that purpose.

Mayor and councilmen to be elected.

Commissioners of first election.

SEC. 4. *Be it further enacted,* That the mayor and councilmen shall severally, before they enter upon the duties of their offices, take an oath, before some person qualified to administer the same, that they will faithfully discharge the duties to them committed.

Oath to be taken.

SEC. 5. *Be it further enacted,* That all male inhabitants above the age of twenty-one, who shall have resided within the limits of said town three months immediately preceding an election for mayor and councilmen, and all male householders or freeholders therein above the age of twenty one years, shall be deemed qualified electors at said election.

Electors.

SEC. 6. *Be it further enacted,* That the mayor and councilmen shall have power and authority to prevent and remove nuisances, to license, restrain and tax shows and circuses within the corporation, to restrain and prohibit gambling, drunkenness, profane swearing, assault and battery, and all other breaches of the peace, to cleanse and keep in repair the streets of said town, and prohibit trespasses on the same, to levy, assess and collect taxes upon all property within said corporation, including street tax; to grant licenses to and to tax merchants, auctioneers and auction sales, to grant licenses to retailers in spirituous liquors, keepers of billiard tables,

Powers of mayor and councilmen.

and other places of public amusements, to restrain and prohibit all disorderly and unlawful assemblies, to arrest and punish vagrants, to punish violations of the Sabbath, to suppress houses of ill fame and punish prostitutes, to impose fines, forfeitures and penalties for the breach of their ordinances or by-laws; *Provided*, No fine, forfeiture or penalty for any one offence shall exceed fifty dollars; *Provided, further*, That no tax collected under the foregoing shall be greater than that laid upon the same subject matter of taxation by the revenue laws of the State, and the taxes and dues assessed pursuant to the powers herein granted shall have the force of a judgment at law against the person or persons assessed.

Exemption by
payment of
State tax.

SEC. 7. *Be it further enacted*, That all persons residing within the corporate limits of said town, who shall pay the street tax imposed by the town ordinance, shall be exempt from working on the streets and on the public roads beyond the limits of said corporation.

Subordinate of
officers.

SEC. 8. *Be it further enacted*, That the mayor and councilmen shall have power to appoint a treasurer, assessor, collector, constable, and such other officers as they may deem necessary, and require of them severally good and sufficient bonds, and annex such fees and salaries to the several offices as they may see fit, and to fix by ordinance the salary of the mayor.

Arrest and punishment of
offenders.

SEC. 9. *Be it further enacted*, That the mayor is hereby authorized and required, for all breaches of the by-laws and ordinances of said town, upon complaint, verified by affidavit, that such offence has been committed, to cause the party offending to be arrested by the constable and brought before him, (or some one of the councilmen, in absence of the mayor), to answer for such offence; and if, upon conviction of said offence, the guilty party shall fail to pay the fine or penalty assessed against him, execution shall issue to the constable of said town on the goods and chattles of the offender to make the amount of the fine and costs; *Provided, however*, That any person against whom a fine or penalty shall have been assessed by the mayor or

councilmen shall be dissatisfied with the decision, he may forthwith appeal to the circuit court of Limestone county, but shall give bond with good security to pay and satisfy the judgment, with cost, in case the judgment shall be affirmed by said circuit court.

SEC. 10. *Be it further enacted*, That the mayor shall be and is hereby authorized and empowered to exercise all the duties, jurisdiction and powers exercised by justices of the peace in Limestone county, and that the constable authorized to be appointed by this act, shall possess all the powers and be authorized and required to perform all the duties which other constables of said county are and shall be subject to the same penalties and liabilities. He shall give bond with security, and in such amount as may be deemed expedient for the faithful discharge of his duty.

Mayor ex officio justice of the peace.

Marshal, a constable.

Approved March 28, 1873.

No. 284.] AN ACT

To incorporate the town of Evergreen, Conecuh county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Evergreen, in the county of Conecuh, State of Alabama, be and the same is hereby incorporated, and that the corporate limits of said town shall extend three-fourths of a mile east, and one-half mile in every other direction from the court house in said town, and the present and future inhabitants of the town of Evergreen, as by this act incorporated, shall be and they are hereby made and constituted a body politic and corporate, under the name and style of "The Town of Evergreen," under and by which name and style the corporate authorities shall sue and be sued, either in law or equity, and may purchase and hold property to the amount of five thousand dollars, and do all acts incident to bodies corporate.

Boundaries.

Body corporate.

Government of
the town.

SEC. 2. *Be it further enacted,* That the government of said town shall be styled "Mayor and Council of Evergreen," and shall consist of a mayor and four councilmen, citizens and householders of said town, who shall serve for the term of one year, and until their successors are elected and shall qualify. Said officers shall be elected by the male inhabitants of said town over the age of twenty-one years of age, who shall have resided within its corporate limits three months next preceding the election. The mayor shall be *ex-officio* justice of the peace during his term of office, for the purpose of carrying into effect all laws, by-laws and ordinances that may be enacted by the corporate authorities of said town, for the government of the same. Before entering upon their official duties, they shall take an oath to support the constitution of the State, and the oath of office therein prescribed.

Election of of-
ficers.

SEC. 3. *Be it further enacted,* That all elections for said officers shall be held on the first Monday of May of each and every year, but the corporation shall not be dissolved should the election not take place on the day appointed, but the mayor and councilmen shall remain in office until their successors shall be elected and are qualified, and they shall order an election on some day not more than thirty days thereafter. The election for mayor and councilmen shall be in all cases conducted under the supervisions of any two or more officers, except in the first election, which shall be held and managed by G. F. Mertius, J. H. McCreary, Hector M. Graham, Mc W. Etheridge, T. C. Curgill, John W. Lamplly, or a majority of them, and all subsequent elections shall be held by two of the councilmen, to be appointed by the board for that purpose. The mayor and council shall determine the legality of elections, declare who have been elected, and in cases of a tie shall determine who shall be mayor or councilmen.

Commission-
ers of first
election.

Vacancy in of-
fice of mayor.

SEC. 4. *Be it further enacted,* That should any vacancy occur in the office of mayor or councilmen such vacancy shall be filled by the remaining members of the board.

SEC. 5. *Be it further enacted*, That the mayor and councilmen of said town shall have power first (1) to employ a clerk who shall also assess the taxes, a marshal who shall collect the taxes ; also to employ counsel for advice, and for the prosecution of offenders, and the defense of all suits against said town of Evergreen. Second (2) to determine the fees and salaries of said officers. Third (3) to pass such laws and ordinances as may be necessary to maintain the powers herein granted. Fourth (4), to prevent and remove nuisances at the costs of the person or persons causing them, or on whose premises they are found. Fifth (5), to license, tax, regulate or restrain any or all shows or exhibitions, public concerts, or other amusements. Sixth (6), to prohibit all disorderly houses, houses of ill-fame, racing, prize-fighting, cock-fighting, and gaming-houses within the limits of said town. Seventh (7) to prevent and punish all breaches of the peace and disorderly conduct, assaults and assaults and batteries. Eighth (8), to establish night and day police. Ninth (9), to prevent and disperse all unlawful assemblies. Tenth (10), to keep in repair all public wells, side-walks and streets, and to open the same when closed, and to keep the same free from obstructions. Eleventh (11), to license and tax the sale of malt and spirituous liquors, and to prohibit the sale of the same within said corporate limits by any person without having procured a license from the mayor and councilmen of said town. Twelfth (12), to license and tax billiard tables, except those for private use, bowling alleys and peddlers. Thirteenth (13), to prevent and punish violations of the Sabbath, any disturbance or interference with public or private worship ; to prevent and punish any indecent exposure of the person, profane or obscene language or exhibitions. Fourteenth (14), to prevent stock from running at large in the streets of said town, when necessary. Fifteenth (15), to prevent and punish wanton, willful, or malicious mischief to houses, fences, fruit or shade trees, or any other property within the corporate limits of said town. Sixteenth (16), to punish by fine not exceeding fifty dollars and imprisonment or hard labor on

Powers of mayor and councilmen.

the streets of said town, one or both, for not exceeding thirty days, any breach or violations of the laws, regulations, by-laws or ordinances of said town, and to punish for the non-payment of any fine due said town by imprisonment or hard labor as aforesaid, at the rate of one day for each dollar assessed against the offender ; *Provided*, That in all these cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the circuit court for Conecuh county, under the rules and regulations prescribed by the laws of this State in cases tried before justices of the peace.

Power to levy taxes.

SEC. 6. *Be it further enacted*, That said corporation shall have power to levy on all property, real, personal, or mixed, within the limits of said corporation, such taxes as may be necessary to defray the expenses of said corporation, not exceeding one per centum of the assessed value of said property, and to collect and enforce the same according to the provisions of this act.

Assessment.

SEC. 7. *Be it further enacted*. That an assessment of all the property of said town, subject to taxation, shall be made annually to the owner of said property, if known, otherwise assessing it to "owner unknown," and upon failure or refusal of any person to give in his or her property when required to do so, the assessor must proceed to assess from the best information he can obtain ; the assessment, when completed, must be returned to the mayor and council, who shall cause ten days' notice to be given by posting of the time and place, when and where the board will correct errors ; when errors have been corrected, the assessment must be marked "approved" ; the assessment so approved shall have the force and effect of a judgment and execution, and the person collecting said taxes may, on failure on the part of the owner of such property to pay such or said taxes, may collect the same by levy upon and sale of such property, or any other property of any kind owned by such delinquent tax payer ; *Provided*, That no property of any description is exempt from such tax, and the tax herein provided for is hereby declared to be on the same footing and of the same grade as taxes levied for State and

county purposes. All sales of real or personal property under the provisions of this act must be advertised by posting notice for fifteen days in some public place in said town, and such advertisement must contain a description of such property, the name of the person to whom assessed, and the amount of taxes for which it is to be sold. Certificates of purchase must be given by the mayor of said town in form similar to those given in sales of property for payment of State and county taxes, and shall have the same force and effect to transfer title thereto. The right of redemption of real property so sold shall be the same as the right of redemption provided for by the laws of Alabama, as construed in the Revised Code.

SEC. 8. *Be it further enacted*, That all persons residing within the said corporate limits liable to do road duty, shall be liable and are hereby required to work on the streets and roads within the corporate limits of said town not exceeding ten days in any one year; *Provided*, That all such persons shall be exempt from working on such streets and roads by paying such street tax as the corporate authorities of said town may impose, not exceeding five dollars in any one year, and that all persons exempt from road duty by the laws of the State are also exempt from road or street duty within the limits of said town.

Citizens liable to street duty.

SEC 9. *Be it further enacted*, That in addition to the powers herein granted, the mayor and council shall have the power to pass all laws and ordinances necessary for the peace and health and good government of the inhabitants of the town of Evergreen.

Other powers conferred.

SEC. 10. *Be it further enacted*, That the marshal elected or appointed under the provisions of this charter shall have the same power to arrest offenders and to execute processes, and to enforce the by-laws and ordinances passed by the mayor and council as constables and sheriffs have in their respective offices, and shall be vested with authority in the discharge of his duties as is conferred on said constables and sheriffs by the laws of the State of Alabama.

Power of marshal to arrest.

SEC. 11. *Be it further enacted*, That this act of incorporation shall commence and take effect from the date of its approval.

Approved March 28, 1873.

No. 285.]

AN ACT

In relation to the charter of the town of Elyton, in Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in addition to the persons Additional electors. who are qualified voters under the charter of said town, all male persons over the age of twenty-one years, residing in the county of Jefferson, and owning real estate located within the corporate limits of said town, shall be entitled to vote in any election held under said charter, and shall be eligible to any office authorized under said charter.

SEC. 2. *Be it further enacted*, That all notices required by said charter to be published in a newspaper may be given by posting written notices in some conspicuous place in said town for the time prescribed by said charter; and all elections under said charter may be held at any place in said town which may be designated by the officer ordering the election. Notices; how given.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved April 19, 1873.

No. 286.]

AN ACT

To amend section six (6) of an act to incorporate the town of Eutaw, in Greene county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section six of an act entitled an act to incorporate the town of Eutaw, in Greene county, which reads as follows: That the said

board shall have full and complete power to make all by-laws and ordinances of whatever kind, and upon whatever subject to them may seem right and proper for the good government of said town; to levy and collect taxes to defray the expenses of the corporation, not exceeding the county tax on the same kind of property taxed by the county; to affix such fines, not exceeding twenty dollars, and imprisonment in the county jail not exceeding twenty-four hours for any one transgression, as may by them be deemed necessary to enforce a due observance of the laws and ordinances of said corporation, not repugnant to the laws of this State, be and is hereby amended so as to read as follows: That the said board shall have full and complete power to make all by-laws and ordinances of whatever kind and upon whatever subject to them may seem right and proper for the good government of said town, and shall be authorized to make and ordain all necessary laws concerning idlers, paupers, disorderly and vicious persons; to levy and collect taxes to defray the expenses of the corporation, not exceeding the county tax on the same kind of property taxed by the county; to affix such fines, not exceeding twenty dollars, and imprisonment in the county jail not exceeding twenty-four hours; and that all persons convicted of any breach of the laws and ordinances of the town, failing to pay any fines and costs that may be imposed, to place such persons at labor for the town or under its direction until such fine and costs are paid by such offenders; *Provided*, That no offender shall be sentenced to such labor for a longer period than fifteen days for any one transgression, as may by them be deemed necessary to enforce a due observance of the laws and ordinances of said corporation, not repugnant to the laws of this State or the United States; *Provided, further*, That this act shall not be so construed as to employ women on the streets that are convicted, or authorize the employment of convicts in chain gangs upon the public highways.

Recitation.

Section as amended.

SEC. 2. *Be it further enacted*, That section six, so amended, be and the same is hereby repealed.

Approved April 10, 1873.

[No. 287.]

AN ACT

To establish a new charter for the town of Florence.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the inhabitants of Florence, in the county of Lauderdale, and State of Alabama, shall be and continue a body politic and corporate by the name of the Mayor and Aldermen of the town of Florence, and by their corporate name may sue and be sued, grant, receive, and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold property, real, personal and mixed, and dispose of the same for the benefit of said town ; and may have and use a town seal, which may be broken and altered at pleasure.

Government of the town, and elections.

SEC. 2. *Be it further enacted,* That the government of said corporation shall consist of, and its corporate power may be exercised by a mayor and aldermen, consisting of twelve (12) in number, who shall be elected on the first Monday in December, A. D. 1873, and annually thereafter, by ballot, by the male inhabitant of said town, of or over the age of twenty-one, who have resided therein for six months next preceding such election. Such election shall be held by and under the direction of the Sheriff of Lauderdale county, at the court house in the town of Florence, as the board of mayor and aldermen may, if they deem it expedient, by ordinance prescribed, said sheriff shall give ten days notice of said election, by publication in a newspaper published in said town, and shall appoint three inspectors and one returning officer, for such election, and they shall conduct said election in such manner as are elections for the General Assembly. The inspectors shall certify to the result of said election, and the returning officer shall make return of his poll, to the sheriff, who shall declare the election, giving the casting vote if any two or more shall have an equal number of votes, and shall give the persons elected a certificate of election. The persons so elected shall enter upon the discharge of the duties of their respective offices, take before the judge of the pro-

bate court, or clerk of the circuit court for Lauderdale county, an oath to discharge, without favor or partiality, the duties of mayor or aldermen (as the case may be,) of the town of Florence, of which a record shall be kept in the office of the said probate or circuit court. The said mayor or aldermen shall continue in office for twelve months from the date of their election, and until their successors are qualified. As soon as elections and notices thereof may be held therefor, (if from any cause said election shall not be held in any year on said Monday in December,) the said sheriff, as soon as practicable, shall appoint another day for holding such election, not more than thirty days from and after such regular day, of which he shall give the like notice, and on the day so appointed, shall open and hold such election in the manner above provided, and if from the neglect or failure of the sheriff, or from any other cause, an election for mayor and aldermen shall not be held on the regular day therefor, nor within thirty days thereafter, as above provided, then the mayor of the town shall appoint a day for holding election, not more than sixty days after such regular day, of which he shall give the same notice; and on the day so appointed, shall hold said election in the same manner as is above provided, and for the purpose of holding and completing such election, the mayor shall be invested with all the power, and subject to all the duties of the sheriff, as above set forth.

SEC. 3. *Be it further enacted*, That no person shall hold the office of mayor or alderman of said town, who has not resided therein for one year next preceding the election, and who is not an owner of real estate in said corporation.

Qualification
for mayor or
alderman.

SEC. 4. *Be it further enacted*, That the ballots cast at any election held under this act shall, after being counted, be carefully sealed up by the inspectors and deposited by them with the town clerk, who shall preserve the same for twenty days after the result of said election is declared, and then if there be no contest, the same town clerk shall cause the same to be burned in his presence, and that of the

Preservation
of ballots.

mayor, but in the event of a contest, they shall be delivered to the judge trying the same.

Contest of any election.

SEC. 5. *Be it further enacted*, That any election held under this act may be contested in the same manner as is or may be provided by the laws of the State of Alabama for contesting the election of a probate judge, and all the provisions of such laws in relation to the contesting the election of a probate judge, shall so far as the same are or may be applicable, apply to contest any election held under this act.

Vacancies, how filled.

SEC. 6. *Be it further enacted*, That if the mayor or any alderman, during his term of office and after qualifying, shall die, resign, remove from the corporation from which he was elected, refuse to act or be permanently disabled from acting, the remaining members of the board shall by ballot elect in his stead another mayor or alderman, who shall have the qualifications prescribed in the third section of this act; shall continue in office during the remainder of the term, and until his successor is elected and qualified, and if any person elected mayor or alderman by the qualified voters of the town, at any election held under this act, shall refuse to qualify, the said sheriff shall after giving ten days notice by advertisement in one of the newspapers published in said town, hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular annual election for mayor and aldermen.

Judges of election of mayor and of aldermen.

SEC. 7. *Be it further enacted*, That the aldermen shall be judges of the election, and qualifications of the mayor, and remaining aldermen shall be judges of the qualifications of aldermen.

Registration.

SEC. 8. *Be it further enacted*, That the board of mayor and aldermen may if they deem it expedient, provide for the registration of the persons entitled to vote at the municipal election held under this act, which registration shall be made at such times, and under such rules and regulations, as the board may prescribe. The provisions of sections 12, 13 and 14, of an act to provide for the registration of electors, approved October 5, 1868, shall not apply to municipal elections held under this act.

SEC. 9. *Be it further enacted*, That a majority of the mayor and aldermen shall constitute a quorum for the transaction of business. The board of mayor and aldermen shall fix their own sessions, and special meetings of the board may be called by the mayor at his own option, or any two of the aldermen. In case of the sickness or temporary absence of the mayor, the aldermen may appoint one of their own number to act as mayor during such sickness or absence of the mayor; and such mayor *pro tempore*, shall exercise all the powers, and perform all the duties of the mayor, but the mayor shall not vacate his office by reason of any temporary absence from the town or State.

Quorum.

SEC. 10. *Be it further enacted*, That the mayor shall possess, within the corporate limits, all the powers and jurisdiction of a justice of the peace, in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases, shall be entitled to the fees which are or may be by law allowed to justices of the peace, and his signature or act as mayor in such cases, shall be of equal force as if done by him expressly as a justice; the party desiring it may take an appeal or *certiorari* to the circuit court for the county of Lauderdale, under such rules and regulations as are or may be prescribed by the laws of the State for *certiorari* from the judgment of the justice of the peace. He shall, moreover, as mayor, have exclusive original jurisdiction to hear, adjudge and determine all suits, prosecutions, or other proceedings for violation of the charter, ordinances or by-laws of the corporation. He shall have jurisdiction, of all proceedings by motion, *sine facie*, or other suits, and penal bonds payable to the mayor, or the mayor or aldermen, taken under this act, or the ordinances of this corporation, including proceedings and suits against the officers of this corporation, and the sureties on their official bonds, for non-payment of taxes or other monies collected or received, or for other delinquencies or defaults in office, and upon the judgment of the mayor in any case in any branch of his jurisdiction as mayor, or as justice, execution or appropriate process may be issued by

Mayor as justice of the peace.

the mayor, directed to and to be executed by the marshal, which shall have the force and effect of an execution or appropriate process, as the case may be, from any of the circuit courts of this State, and shall be executed by the marshal in the same manner as executions, or other process, as the case may be, for such circuit court; and from any judgment or decision of the Mayor, as such, the party desiring it may take an appeal to the circuit court of Lauderdale county, on giving bond with sufficient securities, to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said circuit court may render in the premises; but unless said appeal bond be given within five (5) days from the date of said judgment or decision, then no appeal shall be allowed for the same. The proceedings in such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace.

Mayor to execute the laws of the town.

SEC. 11. *Be it further enacted,* That it shall be the duty of the Mayor to see that the laws of the corporation are duly executed. He shall hold a court as often as it may be necessary, for the trial of offenders against its laws and ordinances, and other causes brought before him; he shall report to the board, the negligence, incapacity or misconduct of any officer of the corporation; he shall recommend from time to time, in writing, such alteration in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper; he may in case of the disturbance of the peace, or invasion, or insurrection, or whenever in his opinion, the peace and security of the town require it, call on the sheriff of the county for aid in preserving the peace, by the use of all the means which the law confers on the sheriff as a peace officer; and the mayor may also call in the volunteer and militia companies in the town for its defence; he shall preside at all the meetings of the board when present, he shall perform all the duties as the board may prescribe, and shall have authority while holding his court, to punish any contempts of his court by fine and imprisonment, or either.

but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars.

SEC. 12. *Be it further enacted,* That the mayor and aldermen shall have power to appoint a town marshal, clerk, treasurer, collector of taxes, assessor or such other officers or agents as may be necessary and proper to execute the powers conferred in the corporation or as may be deemed proper for the good government of the town; to prescribe their duties, liabilities and powers; to require of them bond with such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all such officers or agents, a majority of the board concurring in such removal, and to fix and regulate from time to time the compensation or salaries of all the officers of the corporation, including that of the mayor; but no increase in the salary or compensation of the mayor shall take effect during the term of office in which said increase is made. The officers of the corporation shall continue in office (unless removed) until next annual election of mayor and aldermen, and until their successors are qualified; but the board may repeal, alter or amend the ordinances creating or employing said officers or agents, or regulate their duties or compensations, and may fill all vacancies that may occur in said offices. The clerk, assessor, collector, treasurer, and marshal, and all such other officers as the board may require to give bond, shall before entering upon the duties of their office give bond with sufficient securities, to be approved by the board, payable to the mayor and aldermen in such penalty as may be prescribed by the board, with condition to discharge faithfully all the duties of such office, on which bond, suit and recovery may be had before the mayor and aldermen for the use of corporation or the person injured, and said bond shall remain for the breaches of its condition, and the mayor and aldermen may provide summary remedies by motion or otherwise, before the mayor against the officers of

Subordinate
officers.

the corporation and sureties for any official fault or neglect.

Clerk to keep record of proceedings.

SEC. 13. *Be it further enacted*, That the town shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read and approved by the board, and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record; and a copy therefrom certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be opened for inspection, and the said clerk shall perform all such other duties as the board may direct.

Mayor's docket

SEC. 14. *Be it further enacted*, That the mayor shall keep a docket of all causes instituted before him, noting and endorsing the orders, judgments, &c., therein, and the dates of the issuance and delivering of original and final process, to whom delivered and the return thereon, or the substance thereof; the said mayor shall make full indexes, direct and reverse, for all the said books, and he shall keep and preserve a regular file, as well as the papers in all suits or causes before him as mayor, or as a justice of the peace, as of all other papers belonging to the board, and the said dockets, records, indexes and files shall be opened for the public inspection, under such rules and regulations as the board may prescribe.

Marshal as constable.

SEC. 15. *Be it further enacted*, That the town marshal shall have and possess within the corporate limits all the power and rights of constables under the laws of this State, and shall be entitled to the same fees for like services; he shall possess within said limits in preserving the peace and in making arrests, all the powers of a sheriff as a peace officer: he shall execute the orders, notices, and processes of the board to him directed, and all warrants, precepts, executions and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities which they may provide. The mayor and aldermen may allow to the marshal such salary or compensation in addition to the specified fees to which he may be entitled as they deem proper, and

in all cases when the marshal is a party to any suit or proceeding before the mayor, he shall appoint some person to act as special marshal.

SEC. 16. *Be it further enacted*, That the said mayor and aldermen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the town, and provide places for the reception of the sick; to erect a hospital, house of correction, calaboose or jail, city hall, and any other building or work necessary or expedient for the use of the town, or join with the county of Lauderdale in any such erections, by contracts made with the proper authorities of the county, or to acquire by contract, lease or purchase, or in any other way the use of houses or buildings for any purpose necessary or convenient for said town; to erect lamps; to establish night watches and patrols; to license and regulate retailing of spirituous, vinous or malt liquors within the corporate limits, and provide for annulling and revoking such license, on good cause being shown; to close up retail establishments for such time as they may deem necessary; to prevent the selling of spirituous, vinous or malt liquors within the corporate limits, whenever they deem it expedient; to erect and repair bridges; to construct dams and sewers, and keep them in repair; to establish fire wards and fire companies, and to provide for the prevention and extinguishment of fires; to regulate partition fences, and to determine by whom they shall be kept in repair; to prohibit and disperse all unlawful and disorderly assemblies; to license and regulate hawkers and peddlers, and for good cause annul their license; to license, restrain and regulate theatrical and other exhibitions, shows for money, of whatever character, kind or name; and also lectures and concerts for pay; to license and regulate hackney coaches, hacks, carriages, wagons, carts and drays running for hire within the corporate limits; to license and regulate pawn brokers, auctioneers, commission merchants, dry goods and grocery merchants, and keepers of hotels, eating-houses, livery and sale stables, billiard rooms, billiard tables, ten-pin

Powers of mayor and aldermen.

alleys, and stores or shops for the sale of any goods, provisions, drugs, or any other commodity or article whatever; to fix the prices of or taxes on all licenses granted by the corporation, and to enforce the collection of the same; to restrain and prohibit gambling and gaming houses, and houses of ill fame; to establish and regulate markets, to rent out stalls in the same, and to prohibit the sale of meat, poultry, fish or game except at the public market or markets; to preserve, manage and regulate all burying grounds or cemeteries belonging to the corporation, and to remove them, and to establish, regulate and manage new ones; to sink and keep in repair public wells; to erect and repair pumps; to prevent and punish violations of the Sabbath; to cause to be taken, from time to time, the census of said town; to keep in repair the streets and alleys and avenues of said town, to discontinue and close them when expedient, to widen or change their direction, or to open new ones; to require the fencing or enclosing of any vacant lot in said town, at the expense of the owner or otherwise; to regulate weights and measures, to erect public scale houses, and to appoint weighers and measurers; to purchase all such real estate and personal property as may be deemed necessary and proper for the use and improvement of the town, and to provide for payment for the same; to pave, gravel and macadamize or otherwise improve any street or part thereof, to provide the means thereof, (if deemed expedient and proper), by assessment on the owners of property to be benefited thereby, or by assessment on the property to be thus benefited; and to prohibit the erection of wooden buildings within such limits as they may deem expedient; to provide for the removal of such buildings already erected within such limits, at the expense of the town, and on making just compensation to the owner; to establish a jail for the imprisonment of offenders, or a guard-house therefor, against the laws of the corporation; to enact ordinances, giving to the lessee or renter of any dwelling house, store house, shop, or any other building or real estate whatever within said town, lien upon all or any part of the property

of whatever kind contained thereon and belonging to the lessee or person renting, to secure and pay the rent, and prevent the removal of the same until the rent is paid, and to give the mayor jurisdiction to enforce the said lien, by attachment or other summary proceeding, reserving the right of appeal from judgment to the circuit court, as in the case of other judgments rendered by him ; to establish and regulate a free public school or schools for the tuition of children residing in the corporation, and to employ teachers for the same, at suitable salary ; to prohibit riots, affrays, assaults and batteries, and all other breaches of the peace, and misdemeanors ; to provide for the punishment, by fine, or by fine and imprisonment, or by imprisonment, or by work on the street, or other work of the town, of any breach of the laws, by-laws, ordinances of the corporation, but no fine shall exceed fifty dollars, and no imprisonment, or work on the streets, or other work of the town, shall exceed thirty days ; and to provide, in case where fine and cost are not paid by the party convicted, that the party so in default shall work out such fine and cost under their direction ; *Provided*, The time for such work shall not exceed fifteen days ; and to pass all such laws, by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, or as may be for the good government of the town, not contrary to the constitution and laws of the State, or to restrictions in this act expressed.

SEC. 17. *Be it further enacted*, That the mayor and aldermen shall have authority to cause all vagrants, or idle or disorderly persons, all persons of ill fame or evil life, and such as have no visible means of support, or are likely to become a public charge, as paupers, or are found begging or drunk in or about the streets, or who can show no reasonable course of business or employment in the town ; all who have no fixed place of residence, or cannot give a good account of themselves ; all who are grossly indecent in language or behavior, publicly or in the streets, and all prostitutes, or such as lead notoriously a lewd, lascivious course

Power over
vagrants.

of life, to give security for their good behavior for a reasonable time, and to indemnify the town against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined at labor for a limited time, not exceeding ten (10) days in any one month, unless such securities shall sooner be given, which said labor shall be such as may be designated by the mayor and aldermen, for the benefit of the town; and if such person shall be found afterwards so offending, such security may again be required, and in want thereof, like proceedings may be had, from time to time, as often as may be necessary in each and every month.

Widening
streets; P.R.O.
ceedings.

SEC. 18. *Be it further enacted*, That whenever it is deemed expedient by the mayor and aldermen to widen or extend a street, lane or alley, the mayor shall summon six (6) freeholders, inhabitants of the town, not directly interested in the lands or lots through which such street, lane or alley is to be widened, extended or opened, who, being first sworn by the mayor to assess and value what damages would be sustained by the owner of said lots, or lands, by reason of the widening, extending or opening of such streets, lane or alley as proposed, taking in consideration the benefit to such lots or lands resulting therefrom, shall assess such damages, which assessment may be made by the vote of a majority of said freeholders, and must be reduced to writing, subscribed by a majority of such freeholders, and delivered to the town clerk, who must record the same; and before such street, lane or alley shall be opened, widened or extended, notice of the time and place of such assessment shall be given for such a time and in such a manner as the board may by ordinance provide; *Provided, however*, That when the widening, extending, improvement or opening of a street, lane or alley will be of benefit to the owners of lots, or lands on or through which, or adjacent to which, the same is widened, extended, improved or opened, the mayor and aldermen may provide the means therefor by assessment on the owners of such lots and lands to be thus benefited, and may en-

force and collect such assessment as other taxes ; and for the purpose of carrying the provisions of this section out, the board may adopt such rules and regulations on the subject, not inconsistent herewith, as they may deem expedient ; and either party may appeal from any assessment made under the provision of this section to the circuit court of Lauderdale county, within ten days from the making of such assessment, under the rules and regulations governing appeals from the judgments and decisions of the mayor ; but in case the appeal is taken by the corporation, the appeal bond must be approved by the clerk of the circuit court.

SEC. 19. *Be it further enacted*, That the said mayor and aldermen shall have authority to levy taxes on the real and personal estate within said town, except such as is or may be exempt from taxation under the laws of the State or the United States ; on auction sales and sales of merchandise or capital employed in business in said town, or incomes of persons resident therein, itinerant or other transient persons, merchants or traders, or any business profession, trade or calling carried on in the said town, and on all other subjects of taxation within said town, on which State and county taxes are now levied, or on which may hereafter by law be levied on State and county taxes ; *Provided, however*, That no tax shall be levied upon sales under judicial proceedings, or by executors or administrators, or guardians, under deed of trust or mortgage, for security or payment of debts.

Power to levy taxes.

SEC. 20. *Be it further enacted*, That the said tax on real and personal estate shall not in any one year exceed three-fourths of one per centum on the value of such property, and shall be levied according to assessment and valuation of the property taxed, made by the assessor, under such rules and regulations as the board may prescribe, which said assessment and valuation the mayor and aldermen shall have authority to revise and correct as they may deem just and proper in making assessments, the rule of assessments shall be the least value of the property assessed.

Limit of tax on real estate.

Street tax.

SEC. 21. *Be it further enacted*, That the said mayor and aldermen shall have authority to assess and collect annually on each male inhabitant between the ages of twenty-one and forty-five years of age, a special tax of not exceeding three dollars as a street tax; *Provided*, That any person liable for such street tax may relieve himself of the same by working on the streets of said town ten days under the direction and control of the street superintendent, or other officer appointed by the board for the purpose, and the board may provide such penalty for the failure to pay tax on said street tax as is provided by law for the failure to pay State tax. The inhabitants of said town are exempted from working on the roads and highways out of the town.

Other powers of mayor and councilmen.

SEC. 22. *Be it further enacted*, That full power and authority are hereby given to said mayor and aldermen to establish such rules and regulations, not inconsistent with this act, for the assessment and collection of the taxes authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restriction hereinbefore expressed, for the violation of these ordinances, in reference to the taxes and revenue of the town, as they may deem expedient and proper; *Provided*, That the powers conferred by this section shall not extend to imprisoning for any mistake, fraud, or other defect in the assessment or levy of the taxes. Said board may, if they deem it necessary or expedient, set aside such assessment, and levy in whole or in part, according to circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

Taxes have effect of a judgment.

SEC. 23. *Be it further enacted*, That all the taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property within the corporate limits of the party against whom the same are assessed and levied, and the person appointed to collect such taxes must, on failure to pay, collect the same by

levy and sale of the property of the person to whom assessed, or to an owner unknown, by a sale of the property for the non-payment of the taxes, such sale must be after thirty days' notice by advertisement in a newspaper published in said town. The person appointed to collect such taxes shall make such sales under such rules and regulations as the board shall prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the board may prescribe, which certificate shall be *prima facie* evidence of the regularity of all provisions, proceedings and of all the facts stated therein, and also that all the requirements of the law in reference to the levy and assessment of the taxes and sale of the property have been complied with; *Provided, however,* That real estate sold for the payment of taxes under this act, may be redeemed at any time within two years, from the sales, on the payment of the amount for which such property was sold, with interest at the rate of twenty per cent. per annum, and all taxes and costs which have accrued, and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury for the benefit of the purchaser; and infants, lunatics and married women shall be allowed one year after their respective disabilities are removed, for the redemption of their real estate, and upon such payment or deposit being made within the period allowed for the redemption thus created by such sale and certificate, shall cease and determine, and the purchaser under him, or claiming under him, shall relinquish possession; on a failure to do so, he shall be liable for an unlawful detainer.

SEC. 24. *Be it further enacted,* That no prosecution, suit or claim whatsoever pending or to be brought under existing laws, shall in any manner be effected, impeded or altered by the passage of this act, and all the existing ordinances and by-laws of the town of Florence, adopted in pursuance of the present charter of said town, and not in conflict with this act, or with the constitution and laws of the State of Alabama, shall be and remain in

Pending suits
and claims not
affected.

full force as the ordinances and by-laws of said town until repealed or modified by the mayor and aldermen elected under this act.

Boundaries of
the town.

SEC. 25. *Be it further enacted*, That the boundaries of said town, as incorporated by the first section of this act, shall be as follows: Commencing at a point on the Tennessee river, where the west side of Cypress street reaches the river bank, running thence northwardly along the west side of said street and of the circular road, until said circular road intersects the Hood road; thence eastwardly and northwardly along said Hood road, the circular road and the old Jackson road, until the north-east corner of lot number 356 is reached, on said Jackson road; thence along a line running south-eastwardly, until it intersects the Military road at a point where the east side of Chestnut street continued north would intersect said Military road; thence southwardly in a direct line and along the east side of said Chestnut street, until said line crosses the slough, to the island; thence westwardly along the northern bank of said island to the lower point thereof; thence down the Tennessee river one hundred yards from the bank thereof to a point that would be intersected by the west side of Cypress street continued; thence to the point of beginning.

SEC. 26. *Be it further enacted*, That all laws and parts of laws in conflict with this act, shall be inoperative against the provisions of this act.

Approved April 15, 1873.

No. 288.]

AN ACT

To amend section one of an act entitled an act to incorporate the town of Georgiana, in Butler county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to incorporate the town of Georgiana, in Butler county, approved February 3, 1872, which is in the following words, to wit: "That the town of

Georgiana, in the county of Butler, be and the same is hereby incorporated and the corporate limits of said town shall be one mile from the warehouse depot of the Montgomery and Mobile Railroad Company, situated in said town," be and the same is hereby amended, so as to read as follows, to wit: That the town of Georgiana, in the county of Butler, be and the same is hereby incorporated, and the corporate limits of said town shall be one-half mile from the warehouse depot of the Montgomery and Mobile Railroad Company, situated in said town.

Approved April 23, 1873.

No. 289.]

AN ACT

To amend the charter of the town of Greensboro, in the county of Hale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two (2) of an act entitled an act to incorporate the town of Greensboro, in the county of Hale, approved March 1st, 1870, which is in these words, viz: "Be it enacted, That the government of said town shall be styled "The Mayor and Council of Greensboro," and shall consist of a mayor and four (4) councilmen, citizens and residents of said town, who shall serve for the term of — year, and until their successors shall have been duly elected. Said mayor and councilmen shall be elected by the duly qualified voters of said town, who shall consist of all male citizens of the State of Alabama of the age of twenty-one years and upward, who shall have resided within the limits of said town for the period of three months next preceding the election at which they may offer to vote, and all male freeholders of said town of the age of 21 years and upwards. *Provided,* That no person shall be allowed to vote who has failed or refused to pay all taxes due from him to the said town. The mayor and councilmen of said town shall each be *ex officio* justice of the peace during their term of office for the purpose of carrying into effect all

Recitation.

laws, by-laws and ordinances that may be enacted or passed by the corporate authorities of said town for the government of the same. Before entering upon the discharge of their official duties the mayor and councilmen elected under this act shall severally take the oath of office prescribed by the Constitution of this State, before some officer authorized to administer the same, which oath shall be filed with the records of said town ;” be so amended as to read as follows, viz: Section 1. Be it enacted by the General Assembly of Alabama, That the government of said town shall be styled “The Mayor and Council of Greensboro,” and shall consist of a mayor and (4) four councilmen, citizens and residents of said town, who shall serve for the term of — year, and until their successors shall have been duly elected. Said mayor and councilmen shall be elected by the duly qualified voters of said town, who shall consist of all male citizens of the State of Alabama of the age of (21) twenty-one years and upwards, who shall have resided within the limits of said town for the period of three months next preceding the election at which they may offer to vote, and all male freeholders of said town of the age of twenty-one years and upwards. The mayor and councilmen of said town shall each be *ex officio* justice of the peace during their term of office for the purpose of carrying into effect all laws, by-laws and ordinances that may be enacted or passed by the corporate authorities of said town for the government of the same. Before entering upon the discharge of their official duties, the mayor and councilmen elected under this act shall severally take the oath of office prescribed by the Constitution of this State, before some officer authorized to administer the same, which oath shall be filed with the records of said town.

SEC. 2. *Be it further enacted*, That said section two (2) of said act as it stood before its amendment, be and the same is hereby repealed.

Approved, March 1, 1873.

Section 2 as amended.

No. 290.]

AN ACT

To amend sections 2 and 4 of the charter of the city of Greenville.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two (2) of the charter of the city of Greenville, Alabama, which reads as follows: Sec. 2. Be it further enacted, That said city shall consist of and include all the tracts, lots and parcels of land which are included in the following boundaries, to wit: All of sections 13, 14, 23 and 24 in township 10 and range 14. Also, the following described lands in section 22, township 10, range 14, to wit: beginning at a point in the Stockton Wood eight chains south of the northwest corner of section 23, township 10, range 14; thence along said wood to the western boundary of Pine street; thence along said western boundary of Pine street to the new city cemetery; thence west eight hundred and fifty-two feet to the northwest corner of said cemetery; thence south six hundred thirteen and 50-100 feet to the southwest corner of said cemetery; thence east one thousand three hundred and forty-seven feet to the line of section 23, township 10, range 14; be so amended as to read as follows:

Sec. 2. Be it further enacted, That the said city shall consist of and include all the tracts, lots and parcels of land, which are included in the following boundaries, to wit: All of sections 13, 14, 23 and 24, township 10, range 14. Also, the following described lands in section 22 and 14 of same township and range, to wit: beginning at the southwest corner of section 23, township 10, range 14, thence due west, one quarter of a mile; thence due north, two miles; thence due east, one-fourth of a mile to the northwest corner of section 14, township 10, range 14.

Sec. 4. Be it further enacted, That an election for mayor, councilmen and marshal of said city shall be held annually; but the said mayor, councilmen and marshal for the time being shall continue in office until the expiration of the term of office for which they were elected, and until their successors

are duly chosen and qualified ; and after the first election under the charter the time and place of each succeeding election to be conducted according to the election laws of this State, shall be determined by the said city council ; and said city council shall appoint managers of the election, to consist of such number of persons as may be deemed expedient, the votes to be returned to the acting mayor, and by him laid before the city council to be examined and counted. The said city council shall be the judges of all the elections, and shall have full power to determine all matters in relation to elections, and to ascertain the legality of voters, and in counting shall reject all illegal votes and count only such as are legal. In the event that two or more persons shall have an equal number of legal votes for the office of mayor, the councilmen for the time being or a majority of them shall determine which of said persons shall be mayor ; and in case of a tie in the election of councilmen the mayor and councilmen then acting, and not interested in the election to be made, shall determine which of the persons having the tie vote shall have the office, except that in case where the vacancies occur by reason of the expiration of the term of office for which the mayor or councilmen were elected, the office of mayor shall be filled by the councilmen and the office of councilmen shall be filled by the mayor and councilmen then acting ; be so amended as to read as follows :

Section 4 as amended.

Sec. 4. Be it further enacted, That an election for mayor, councilmen and marshal of said city shall be held every two years ; but the said mayor, councilmen and marshal for the time being shall continue in office until the expiration of the term of office for which they were elected and until their successors are duly elected and qualified ; and after the first election under this charter, the time and place of each succeeding election to be conducted according to the election laws of this State, shall be determined by the said city council, and said city council shall appoint managers of the election, to consist of such number of persons as may be deemed expedient ; and the votes to be returned to the acting mayor, and by him laid before the city council to be exam-

ined and counted. The said city council shall be the judges of all elections and shall have full power to determine all matters in relation to elections and to ascertain the legality of votes, and in counting shall reject all illegal votes and count only such as are legal. In the event that two or more persons shall have an equal number of legal votes for the office of mayor, the councilmen for the time being or a majority of them shall determine which of said persons shall be mayor; and in case of a tie vote in the election of councilmen, the mayor and the councilmen then acting, and not interested in the election to be made, shall determine which of the persons having the tie vote shall have the office, except that in cases where vacancies occur by reason of the expiration of the term of office for which the mayor or councilmen were elected, the office of mayor shall be filled by the councilmen, and the office of councilmen shall be filled by the mayor and councilmen then acting.

SEC. 2. *Be it further enacted*, That sections 2 and 4 of the present charter of the city of Greenville be and the same are hereby repealed.

Approved, March 15, 1873.

No. 291.]

AN ACT

To incorporate the town of Leighton, in the counties of Lawrence and Colbert.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Leighton, in the counties of Lawrence and Colbert, be and the same is hereby incorporated, and the corporate limits of said town shall be a half mile each way from the centre of the public square, that is one mile square. Boundaries..

SEC. 2. *Be it further enacted*, That an election shall be held on the first Monday in April, or as early thereafter as practicable, to commence at eleven o'clock a. m. in said day, and close at three o'clock p. m., for the purpose of electing four councilmen and an intendant of said town, who shall Election.

hold and serve for the term of one year, and until their successors are qualified; which said election shall be held by a justice of the peace and two freeholders of said town, and all subsequent elections shall be held in the town of Leighton on the first Monday in April, each and every year, or as soon thereafter as can be, due notice having been given by the acting intendant, by posting written notice at three public places in said town for ten days before said election. The said election shall be held by the intendant and two councilmen, and in the absence of the intendant, by a majority of the councilmen. All persons within the corporate limits shall be entitled to vote in said election who are qualified voters for members of the General Assembly of this State; and said intendant, so elected, shall *ex-officio* be a justice of the peace, and have all the jurisdiction that justices have by the laws of this State.

SEC. 3. Be it further enacted, That said intendant and councilmen shall elect a clerk, a treasurer and a constable; shall each severally take and subscribe an oath following to-wit: "I, A. B. (as the case may be) do solemnly swear that I will, to the best of my skill and abilities, discharge all the duties incumbent on me, so help me God," a certificate of which oath shall be filed with the records of said board; and it shall be the duty of the intendant to preside at all meetings of said councilmen, and preserve order and decorum, and in his absence or incapacity any councilman may be called to the chair and preside; and the intendant and councilmen are hereby constituted a body politic and incorporated by the name and style of "the intendant and councilmen of the town of Leighton," by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and in general to do and perform all acts which are incidental to all bodies corporate, to purchase and hold or dispose of, for the benefit of said town, real, personal and mixed property, to the value of ten thousand dollars.

SEC. 4. Be it further enacted, That said intendant and councilmen, or a majority of them, are

Oath of office.

Duty of intendant.

hereby invested with full powers to keep open and in good repair the streets and alleys of said town, to preserve peace and order, to fine in cases of assaults and batteries in any sum not exceeding fifty dollars, and the same to be collected ; to prevent and remove nuisances, to suppress gaming of every description, to establish night watches and patrols, and to punish for neglect of patrol duty, to restrain or tax shows or exhibitions, and the sale of spirituous liquors in said town ; to impose a fine not exceeding fifty dollars for any violation of the by-laws, for the purpose of carrying into effect the powers herein guaranteed, and all other powers for the good government of said town, not inconsistent of the State, which powers are hereby expressly granted to said corporation. Said intendant is hereby further invested with the power and authority to suppress all affrays, riots, and unlawful assemblies and insurrections, and breaches of the peace; all lewd, indecent, profane, riotous or disorderly conduct in any public place in said town ; to do which he may summon any number of male inhabitants, residing in said town, to aid them, that he may think proper ; he may also, and is hereby invested with full power to punish for contempt in the same manner and under the same rules and regulations presented by the Code of Alabama in reference to the punishment of contempt by justices of the peace.

SEC. 5. *Be it further enacted,* That the said intendant and councilmen shall have power to levy a tax on the inhabitants and property of said town to raise money for the purpose of properly managing the affairs of said corporation. It shall be the duty of the clerk to issue all executions for taxes and fines which may be necessary and to issue all necessary processes from said board of councilmen, and deliver the same to constable, and it shall be the duty of the constable to serve and execute all papers, writs, summons and other process issued by said intendant, corporation and the clerk thereof, collect all executions for taxes and fines and pay the same over to the treasurer, and to do and perform all other duties which may be enjoined on him by the laws and rules and by-laws of said corporation. Said

constable and clerk and treasurer shall enter into such bond and security for the faithful discharge of their respective duties, in such sums as may be prescribed by said council, payable to said intendant and his successors in office, before entering into their respective duties, as the said council may decide and require.

Removal of
subordinate of-
ficers.

SEC. 6. *Be it further enacted*, That the intendant and councilmen shall have the power to remove from office the clerk, treasurer or constable upon satisfactory reasons, and appoint others, and to fill all vacancies in the board, either intendant or councilmen, which hold until the next general election; and also to fix the salaries of such officers as in their judgment they may deem efficient.

Approved April 15, 1873.

No. 292.]

AN ACT.

To amend an act to incorporate the town of Munford, in the county of Talladega, approved August 11, 1868.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of the above recited act which reads as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That the town of Munford, in the county of Talladega, be and the same is hereby incorporated, and the corporate limits shall extend two miles in every direction from the outside boundary of a lot belonging to the railroad at such town—Munford," be and the same is hereby repealed.

Section 1 as
amended.

SEC. 2. *Be it further enacted*, That said act above recited be so amended as to substitute the said section 1 by the following section 1 in lieu thereof: Section 1. Be it enacted by the General Assembly of Alabama, That the town of Munford, in the county of Talladega, be and the same is hereby incorporated, and the corporate limits shall extend two miles in every direction from the outside boundary of a lot belonging to the railroad at such town,

Munford, except on the north and east, in the direction of the Alabama furnace, in which direction its limits shall be one mile from the outside boundary of said lot belonging to the railroad company at such town, Munford.

Approved April 10, 1873.

No. 293.] AN ACT

To repeal an act entitled "an act to establish a new charter for the city of Opelika."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to establish a new charter for the city of Opelika," approved March 3, 1870, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved December 6, 1872.

No. 294.] AN ACT

To establish a new charter for the city of Opelika.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the city of Opelika, present or future, shall be and they are by this act made and constituted a body corporate and politic, under the name and style of "The City of Opelika," under and by which name and style, and acting by and through the proper officers of said corporation, hereafter to be designated, all the corporate powers and privileges of said city by this act granted, shall be extended and carried into effect as required, and under the corporate name aforesaid, the said city corporation shall sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, borrow, receive, and hold and sell, grant and mortgage, assure or let property,

real or personal, may have and use a common seal, which may be broken or altered at pleasure, and may do and perform generally all acts incident to such incorporations, not inconsistent with the laws of this State.

SEC. 2. *Be it further enacted,* That area of the said city of Opelika shall embrace and consist of the following described tracts, lots and parcels of land, to-wit: "Section seven, (7) and eighteen (18), and the west halves of section eight (8) and seventeen (17) in township nineteen (19), and range twenty-seven (27) and the east halves of sections twelve (12) and thirteen (13), in township nineteen (19) and range twenty-six (26).

SEC. 3. *Be it further enacted,* That the government of said city shall be styled "The City Council of Opelika," and shall consist of a chief officer, to be styled "mayor of the city of Opelika," and six (6) aldermen, to be elected as hereinafter provided for; that every male inhabitant of said city, who would be a legal voter at an election for members of the Legislature, will be a legal voter at all city elections; *Provided,* He shall have been actually or legally a resident of said city for three months next preceding the election at which he proposes to vote, and shall have been registered as hereinafter provided, and that the city council shall determine and designate the place in said city to be the election precinct for each successive election, and appoint managers of the election to such number of persons as may be deemed expedient, but in no instance fewer than three, and said election shall be conducted as other elections held under the general election laws of this State, except wherein otherwise specifically provided; *Provided always,* That the votes shall be returned to the existing mayor and council, whose duty it shall be, within five days after the elections to count the votes and compare the poll lists with the registration lists, and reject all votes cast by persons whose names do not appear registered as hereinafter provided, and to declare by publication in a newspaper published in the city of Opelika, and by posting notices in at least four (4) public places, the name of the person having received the greatest

Corporate
limits.

Government.

Legal voters.

Election pre-
cinct.

Proviso.

Judges of elec-
tion.

number of registered votes for mayor, and the names of the six (6) persons having received the greatest number of registered votes for aldermen at said election.

SEC. 4. *Be it further enacted*, That the judge of probate, sheriff, and clerk of the circuit court, or any two of them, at the first election to be held under this act, and the mayor and board of aldermen at all subsequent elections, when appointing inspectors of any elections, shall also appoint a board of challengers for each ballot-box of the several precincts of the city, if more than one be established, and shall make publications of the same in some newspaper in the city, at least thirty days before said election. The members of said board of challengers must reside in the city, and if practicable, in the precinct for which they are appointed, and shall consist of two intelligent and discreet electors from each political party in this State, and it shall be the duty of said board, or any member thereof, to challenge any person offering to vote whom they or either of them may know or suspect not to be lawfully entitled and duly qualified as an elector, or on the affidavit of a creditable person, that he has good cause to believe that the person offering to vote is not under the provision of this act a legal voter at said election, and each member of said board of challengers shall take position and remain not less than thirty feet from the polls. Each member of said board of challengers, before entering upon his duties, shall be required to take and subscribe an oath in writing, which shall be filed and recorded in the office of the judge of probate, that he will well and faithfully discharge his duty as such challenger, and that he will not challenge any person or persons for personal or political views or prejudice, nor for the purpose of delaying or impeding voting at such election, and that he will dispose of all cases of challenges with as little delay as practicable, and will not allow it to impede or interfere with other persons than those challenged; and if said board of challengers or either of them shall fail or refuse to attend at the time of opening the polls, it shall be the duty of the inspectors of the election to supply,

Board of challengers.

Duty.

Penalty on of-
ficers.

by appointment, the vacancy in said board. If the judge of probate, sheriff, clerk of the circuit court, at the first election under this act, or the mayor and board of aldermen at all subsequent elections, or any inspectors shall wilfully fail or refuse to discharge the duties required in the preceding section of this act, they shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred nor more than one thousand dollars, and may also be imprisoned in the county jail for not more than twelve months, at the discretion of the jury trying the same.

Who may be
challenged.

SEC. 5. *Be it further enacted*, That any person offering to vote who is believed or suspected by them not to be a qualified elector, may be challenged by the board of challengers or any member thereof, but by no other person; *Provided*, That such election shall not be delayed by such challenge, but that the inspectors shall proceed to receive other votes while the oath is being administered by the challengers, or one of them, as hereafter provided.

Oath.

SEC. 6. *Be it further enacted*, That when any person offering to vote is challenged, if his ballot is not withdrawn, one of the board of challengers shall, without, tender him the following oath: "You do solemnly swear that you are twenty-one (21) years of age or upwards, that you are a duly qualified elector under the constitution and laws of the United States, and the constitution and laws of the State of Alabama, and the provisions of this act; that you have resided in this State six months, and in the city three months next preceding this election, and that you have not voted at this or any other precinct on this day," and upon such oath aforesaid, the ballot of such person must be received by the board of inspectors, and deposited as in other cases.

Penalty for
false swearing.

SEC. 7. *Be it further enacted*, That any person wilfully or corruptly taking this oath, the same being false, shall be deemed guilty of perjury, and on conviction shall be punished by confinement in the penitentiary for not less than two nor more than five years, at the discretion of the jury trying the same.

SEC. 8. *Be it further enacted*, That if any person offering to vote refuses to take the oath prescribed

in section six (6) of this act, his vote shall be rejected, and the ballot marked with the name of the person offering it, shall be laid aside by the inspectors, and if such person take such oath, then his vote must be accepted as in other cases.

How on refusal to swear.

SEC. 9. *Be it further enacted*, That any person voting more than once, at any election held in the city of Opelika, or depositing more than one ballot for the same office as his vote at such election, or is guilty of any other kind of illegal or fraudulent voting, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than two nor more than five years, at the discretion of the jury trying the same.

Penalty for repeating.

SEC. 10. *Be it further enacted*, That any candidate, either for the office of mayor or alderman of said city, who is not declared to be elected, may, within six days after the result of the count made by the board of supervisors is made known, contest said election in the following manner: The person desiring to contest said election shall file in the office of judge of probate a sworn statement in writing, to the effect that he believes that he has been duly and legally elected to the office which he claims, and with such statement he shall file a good and sufficient bond in the sum of five hundred dollars, with at least two good sureties conditioned to pay all such cost as may be adjudged against the contestant; thereupon it shall be the duty of the judge of probate forthwith to notify the candidate or candidates who have received certificates of election to office claimed by the contestant, of the contest filed, which notice shall be served by the sheriff of the county, at least five days before the day set for trial of said contest. The judge of probate shall immediately upon return of service of said notice, set a day for the hearing of the contest, not less than ten nor more than fifteen days from the day said notice of contest was served, and shall issue a writ to the sheriff of the county of Lee, commanding him to summon a jury of twelve (12) disinterested and competent men for the trial of said contest, and the sheriff, in summoning said jury, shall not summon any person who voted in said election for the office

Right of contest, and mode

which is contested, and shall, as far as practicable, summon for jurors men living outside of the corporate limits of the city of Opelika. On the day said contest is tried, such party, in addition to the challenges allowed by law in trials in circuit court, may challenge any juror peremptorily who voted at the election which is contested, and upon any such challenge, the sheriff, under the direction of court, shall summon talismen to complete the jury in the same manner as is provided by law in trials of civil cases in the circuit court. An issue shall be made up under the direction of the judge of probate, and said contest shall be tried by said judge of probate in the same manner as a trial under a writ of *quo warranto*, or in the nature thereof would be conducted in the circuit court for good cause shown said judge of probate, may continue said contest from day to day and from time to time, but in no case for more than five days at any one time, except by consent of both parties, and judgment may be rendered by said judge of probate in the same manner, and shall have the same force and effect as if rendered by the circuit court on a trial of a writ of *quo warranto*, and jurors and witnesses shall be entitled to the same compensation as jurors and witnesses in the circuit court to be paid by the unsuccessful party, and the judge of probate shall be entitled to six (\$6) dollars per day for each day that he is engaged in said trial, to be taxed as cost, for which the judge of probate shall, if necessary, issue execution against the unsuccessful candidate or his sureties; either party failing in the suit, may appeal directly to the supreme court within five days after the rendition of the judgment of the judge of probate, upon giving security satisfactory to the judge of probate for cost of appeal.

SEC. 11. *Be it further enacted*, That it shall be the duty of the clerk of the city council of said city, to keep a well bound registration book, in which shall be registered the names of all persons who claim the right to vote at any city election; that it shall be the duty of said clerk to have written or printed at the top of each page of said registration book, the following oath: "I do solemnly swear that I am over the age of twenty-one years, and

Book of registration.

'legally entitled to vote in the State of Alabama for members of the General Assembly, and have been a resident citizen of the city of Opelika for the last three months,' which oath shall be administered by said clerk, assistant or assistants, to every person who registers his name in said registration book, and the name of the person registered shall be written under said oath. It shall be the duty of said clerk to allow any person making application, to register or have his name registered in said book without delay or hindrance, and for ten days preceding any city election (Sundays excepted), it shall be the duty of said clerk to keep an office open from the hour of seven o'clock a. m. until 3 p. m. of each day, for the purpose of registering all persons desiring to register, and said clerk may appoint one or more persons to assist him. It shall be the duty of the said clerk, on the morning of the day of any city election, to make out from said registration book two lists of the persons registered therein, each arranged in alphabetical order, and shall affix to each list a certificate, stating that said list contains a full list of all persons registered in said registration book, one of the above lists said clerk shall deliver to the solicitor of Lee county, and the other he shall deliver to the probate judge of Lee county; that during every city election said clerk shall be, either in person or by assistant, near the place of voting, with said registration book, and all persons desiring to do so, may register during said election, and the registration herein provided for shall be incumbent upon voters in said city election at each successive election for city officers; that immediately upon the polls being closed at each city election, said clerk shall make out two supplemental lists in alphabetical order, of the names of all persons who have registered during the day of election, of which one shall be delivered to the solicitor of Lee county, and the other to the probate judge of Lee county, to each of which supplemental lists said clerk shall affix his certificate, showing that list contains the names of each person registered during the day of the election; that within three days after each city election, the clerk shall record in a book, in alphabet-

ical order, the names of all persons registered to vote at said election ; said book to be placed in the archives of said city for safe keeping, and said clerk, for the services rendered by him under this section, shall receive such compensation from said city as the city council may direct, not to exceed five cents for each name registered by him.

For first elec-
tion probate
judge to regis-
ter voters.

SEC. 12. *Be it further enacted*, That prior to and during the first city election held under this charter, the judge of probate of Lee county shall perform each and every duty required of said clerk in section 4 of this act, including the making out and delivering of the original and supplementary lists, and the certificates thereto as prescribed in section 11 of this act, and he shall procure the registration books provided for in section 11, for which he shall be paid by the city of Opelika, and for his services in registering persons in said book, he shall receive for each name the sum of five cents, and for each name on each original and supplemental list, the sum of one cent, and for each certificate the sum of twenty-five cents, all of which shall be paid by the city of Opelika.

Annual elec-
tions.

SEC. 13. *Be it further enacted*, That after first election hereinafter provided for, an election shall be held in the city of Opelika, on the first Tuesday in March, 1874, and on that day in each and every year after this act goes into effect, for a mayor and six aldermen, each of whom shall be over the age of twenty-one years ; shall reside at the time of said election within the corporate limits of said city ; that the person receiving the greatest number of legal votes cast at such election for mayor, shall be the mayor of said city, and the six persons receiving the greatest number of legal votes cast at such election for aldermen, shall be the aldermen of said city, but if two or more persons have an equal number of votes for mayor, the aldermen elect shall determine who shall be mayor, and if it so happen that by two or more candidates receiving an equal number of votes for aldermen, no six persons are elected as aldermen, then the mayor and aldermen elected shall decide from those candidates having the greatest equal number of legal votes who shall be the aldermen to-

Qualifications
of mayor and
councilmen.

In case of tie.

complete the number six ; that the said mayor and aldermen shall enter into office on or from the second Tuesday in March, and shall continue in office until the same day of the following year after their election or appointment, and until their successors are duly elected and qualified ; if a vacancy occur in the office of mayor or aldermen by death, resignation, disability to hold office, removal or otherwise, such vacancies shall be filled by the mayor and aldermen, or by the aldermen, as the case may be, by ballot ; the aldermen shall judge of the election and qualification of the mayor, and also of the election and qualification of each alderman, and in case of tie in an election for alderman by the board, the mayor shall give the casting vote.

SEC. 14. *Be it further enacted*, That the said city council shall have power and authority to appoint a marshal, clerk and treasurer, to assist the said council in the administration of the affairs of said city, who shall remain in office for the then council year, and until their successors are elected and qualified ; *Provided*, That the said city council shall have power, whenever they think proper, to appoint one person to fill both offices of clerk and treasurer, and to appoint a deputy marshal when necessary, or to appoint any other officer necessary for the government of said city.

SEC. 15. *Be it further enacted*, That in no case shall any one be eligible to the office of mayor or alderman unless, in addition to the qualifications already mentioned, he be a qualified voter for those offices, and shall have been a *bona fide* resident of said city at least twelve months preceding the election, and that the removing of any officer elected under this charter beyond the corporate limits of said city, after such election, shall be deemed and considered a vacation of his office.

SEC. 16. *Be it further enacted*, That in case of malpractice or incompetency, from any cause whatever, on the part of either the marshal, clerk, or treasurer, the city council shall have power to dismiss him from office, and in case of resignation, dismissal or disability, making a vacancy in either

Terms of office

Vacancies, how filled.

Subordinate officers.

Proviso.

Additional qualification for mayor or aldermen.

Causes of removal.

Vacancies.

or any of the offices of marshal, clerk or treasurer, the said city council shall forthwith fill said vacancy.

Oaths.

SEC. 17. *Be it further enacted*, That the mayor and each alderman, marshal, clerk and treasurer, before entering upon the duties of his office, shall make in writing and subscribe an affidavit, that he will faithfully and to the best of his skill and judgment, perform the duties assigned to him, without favor or partiality, which affidavit, shall be filed in the archives of said city; and the said marshal and his deputy, clerk and treasurer shall give bonds to whatever amount the city council shall deem right and sufficient to guarantee a proper discharge of the duties of each office and to protect the interests of the city in their respective charges.

Bonds.

In case of no election.

SEC. 18. *Be it further enacted*, That should an election not take place on the day fixed for the annual election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the city council to fix some other day, as early as practicable, on which the said election shall be held, which election shall be conducted in all respects as regular elections for said offices are conducted, and should said city council fail, within a reasonable time to provide for the holding of said election, then it shall be the duty of the probate judge of Lee county to appoint a suitable day for the holding of said election for said officers, and appoint four resident householders of said city to manage and conduct the same, which shall be done in the same manner as the regular elections provided for in this act are conducted.

Notice of election.

SEC. 19. *Be it further enacted*, That the said city council shall for ten days next preceding any election provided for in this act, give notice by publication in a newspaper or newspapers published in said city and by posting notices in at least four public places, of the time of holding such election, for what officers said election is to be held, the point at which it is to be held, who the managers are, and who the returning officer of said election.

SEC. 20. *Be it further enacted,* That the said city council shall have power and authority to pass all by-laws and ordinances that may be deemed necessary and proper for the government of said city, not inconsistent with the laws of the State, and the same to alter or repeal at pleasure; to prevent contagious or infectious diseases from being introduced or retained in said city, and in any way to preserve the health of its inhabitants; to prevent and remove all nuisances, at the expense of the person or persons causing or owning such nuisances, or upon whose property they may be found; to pass and enforce such ordinances as may be effectual to prevent fires, and to take all measures necessary and proper to insure the safety of said city; to license, tax, regulate or restrain in any manner, all circuses, shows and theatrical performances, exhibitions and lectures; to prohibit and suppress gaming and gaming houses and houses of ill fame within the corporate limits of said city; to establish night watches and day watches and patrols, and to appoint leaders and other officers thereof, whenever the peace, good order and safety of the city require it; to make, alter and ascertain new streets and alleys, paying bordering owners a fair compensation as damages therefor; to clean and keep in repair the streets and alleys; to provide and control a sufficient number of pumps and wells for public use; to regulate markets and fix the assize of bread; to license and regulate wagons, carts and drays, omnibuses, hacks and carriages running from one part of said city to another part for hire; to establish a guard house for the confinement when necessary of violators of the ordinances of the said city; to enact such ordinances as may be necessary to preserve the peace and good order of said city; to take jurisdiction of assaults and batteries happening within the corporate limits of said city, and to punish each and every offender by fine in any sum not to exceed fifty dollars, and in default of payment of such fine, to imprison in the guard house a time reasonably proportionate to the magnitude of the offence, and generally to impose fines, by way of punishment for violation of the ordinances of said city, and to collect the same

Powers of
council.

and to confine offenders a reasonable time in the guard house by way of punishment when default is made in payment of the fine or fines imposed, but in no instance shall the fine imposed on any one offender exceed one hundred dollars, for any one offence, nor shall the confinement in the guard house for any one offence exceed thirty days; and in lieu of confinement in the guardhouse, the said city council, in the exercise of a sound discretion, and when the good of the city requires, shall have power, by the enactment of the proper ordinances, to employ, under humane and kind regulations, to be fixed by said council, those offenders who make default in the payment of fines imposed by said council, in working upon the streets, pavements, sidewalks, alleys, pumps and wells of said city, or at the burial grounds of said city, or to do such other work as the public good of said city may require, or the said council may deem proper and necessary to be done; the said city council feeding properly, and keeping in safe custody, such offenders whilst so employed, and allowing each offender seventy-five cents per day for said work until the fine and cost imposed on such offender is paid off and satisfied in full, when it shall be the duty of said city council to set at liberty such offender; to take care of, preserve, designate and regulate all burying grounds within the corporate limits of the said city; and generally, said city council shall have power to pass such by-laws and ordinances as may be necessary for the good government of said city, and may be necessary to carry into effect the true intent and meaning of this act, not contrary to the constitution and laws of this State or of the United States; to prescribe by ordinance the manner of collecting fines imposed under this act, which shall be by execution against the person or property, which fine shall be paid into the city treasury.

Power to assess taxes.

SEC. 21. *Be it further enacted*, That the said city council shall have power and authority annually, to assess, levy and collect, within the corporate limits of said city, all the revenues necessary for its government, as follows: On all real estate they shall have the right to levy a tax, not to exceed one per

centum on the value thereof; on each male inhabitant above the age of eighteen years and not over forty-five years, a street tax not to exceed two (2) dollars; on pleasure carriages, gigs, chaises and sulkeys, rockaways, and saddle, buggy or carriage horses, or mules, not exceeding two (2) per cent. on the value thereof; on every cart, dray, wagon or other vehicle used for transportation of goods, wares, or merchandise, sawed lumber, bricks, and other articles or commodities for pay, within the boundaries of the city, a license not exceeding twenty-five dollars; on every retailer of spirituous vinous or malt liquors, a license not exceeding seventy-five (75) dollars; on every barber shop, not exceeding fifteen dollars; on each Deguerian gallery, or similar artistic business, and drawing saloon, not exceeding twenty-five dollars; on each billiard, pool, bagatelle, roulette, or other table set up and kept for playing in public houses, a license not exceeding fifty dollars; on itinerant peddlers, a license not exceeding fifty dollars; on ten pin alleys, or alleys with any other number of pins, a license not exceeding twenty-five dollars; on hotels, a license not exceeding fifty dollars; on restaurants, and public boarding houses, a license not exceeding twenty-five dollars; on halls used for theaters, a license not exceeding fifty dollars per annum; on lectures where admission is charged, a license not exceeding ten dollars for each lecture; on circuses, for each separate performance, morning, evening or night, a license not exceeding twenty dollars; factors, commission merchants or auctioneers, foreign or State corporation agents of any description, merchants or dealers of every description, not otherwise specially taxed, banks, insurance or lottery companies, brokers or exchange dealers, mill or manufactures, a license not to exceed one hundred dollars per annum, or one per cent. on the gross amount of commissions charged or received, or on the gross amount of sales of merchandise of any sort, or on premiums a tax not exceeding two per centum; on contractors for house building, a license not to exceed for each ten dollars; on each livery stable, a license not to exceed

Licenses.

twenty-five dollars; on all gift enterprises, or devices of any kind for throwing of dice, when pay is required, a license not to exceed twenty-five dollars; on every raffle, a tax not to exceed ten dollars; on all other items, persons, and occupations, subject to State tax, not to exceed the amount taxed by the latter.

Judicial powers of mayor and aldermen.

SEC. 22. *Be it further enacted*, That the city council, or the mayor, or each alderman acting for mayor, shall be, and are hereby vested *ex-officio* with and may exercise in said city all the powers and authority that belong to justices of the peace by the laws of this State; and the marshal of said city shall be *ex-officio* a constable, and be vested with, and exercise all the powers and authority of other constables of the State; and the said mayor, aldermen and marshal shall be liable, respectively, to the same penalties and restrictions as are imposed by the laws of the State upon the several offices with which they are invested, and the sheriff of the county of Lee, and all ministerial officers, shall obey the mandate of said city council of Opelika, or mayor, or alderman acting for mayor, and truly and faithfully execute the warrants or processes committed to them for service, according to the mandate; and it is made the duty of the jailor of said county of Lee to receive all prisoners committed for violations of the laws of the State, by warrants of the said city council or mayor, or alderman acting for mayor, and the person or persons so committed, safely keep confined in close jail until delivered therefrom by due course of law; and the said city council shall have power to fix the fees, and salaries of the mayor, the clerk, marshal and treasurer, and the manner in which the same are to be paid.

Citizens exempt from road duty.

SEC. 23. *Be it further enacted*, That the male inhabitants of said city of Opelika, shall be exempt from working on roads and highways out of the corporate limits of said city, but the streets and highways within said limits shall be kept in repair by said city, and for the purpose of keeping the same in good order, the said city council is hereby authorized to appropriate all, or so much of the street tax mentioned in section (21) twenty-one of

this act, as will be sufficient for that purpose ; *Provided*, That the person so taxed may relieve himself Proviso. of said tax by working on said streets and highways for four days, under the direction and control of the marshal of the city.

SEC. 24. *Be it further enacted*, That it shall be the duty of the mayor to preserve and keep order Duty of mayor. at all meetings of the city council, and to take a general superintendence of the affairs of the city, and especially to see that all laws, ordinances and rules of council are observed and enforced. He shall call extra meetings of the council whenever, in his judgment, the interest of the city may require it; he may hear and determine upon all minor causes for violation of the ordinances and by-laws, and may receive such fees and salary, if any, as may be prescribed by the city council. In the absence or inability to act of the mayor, the council shall elect one of their own number as mayor *pro tempore*, who shall discharge the duties of mayor, and be entitled to the perquisites and benefits of said office until the mayor return, or his inability is removed. Two aldermen may call a meeting of the city council ; the mayor and three aldermen, or four aldermen, shall form a quorum for business.

SEC. 25. *Be it further enacted*, That the said city council shall have power to cause, between the fifteenth day of March and the fifteenth day of April, Assessment. an assessment to be made every year by the clerk of the same, to whom it shall be the duty of every person liable to tax within the corporate limits of said city, to report and declare under oath, or by affirmation, every item of property, occupation or business subject to tax, in which he or she is interested, together with a fair statement of its valuation on the fifteenth (15) day of March, in the same manner, and with the same restrictions as apply to the regular State and county assessments of the State; and if any person fail or refuse to so give in his or her assessment list, it shall be the duty of the clerk to assess the same at what he believes to be its fair value or true statement, and likewise to assess all property whose owner or owners may not be known. In the case of real estate, the said city council shall

Board of as-
sessors.

elect two experienced and discreet free holders, resident within the city, who, together with the clerk of said council, shall constitute a board of assessors, any two of whom shall have power to act, and who, between the fifteenth day of March and the fifteenth day of April, shall examine in person all the real estate of whatever kind, situated in the corporate limits of the city, and assess the cash valuation thereof on the fifteenth day of March, together with the names of the owners of the real estate so assessed. The board of assessors, before beginning the assessment, shall sign before the mayor the following affidavit, to-wit: "We solemnly swear to discharge to the best of our abilities, without fear or favor, the duties of assessors of real estate within the corporate limits of the city of Opelika, for the year —, and that we will make a fair, equal and impartial valuation of said real estate, and a faithful return thereof." The compensation to be allowed the assessors shall be determined by the city council, at the time of electing the same in each year. Upon the return by the clerk, and by the board of assessors, of the assessments hereinbefore provided for one and all, to the city council, the mayor shall cause at least ten days' notice to be publicly given at the post office, and other points, and in the newspapers, that the assessments for the current year are closed, and shall in said notice appoint the time when the council will proceed to hear and determine upon all complaints which may be made against such assessments, and it shall be the duty of said council to correct errors and supply omissions or deficiencies, and when the same has been passed upon by said council and certified by the mayor, the said assessment shall have the force and effect of a judgment and execution, and may be collected by levy and sale.

Taxes annual.

SEC. 26. *Be it further enacted,* That all taxes shall be collected annually, and at such times as the city council may determine, of each year.

Power to open
and widen
streets.

SEC. 27. *Be it further enacted,* That the city council shall be and is hereby invested with power and authority to widen, extend or close any street, or part of any street or alley, which in their judg-

ment should be widened, extended or closed, for the general good or convenience of the public, and make such disposition of such streets or parts of streets or alleys so closed, or in case of extending or widening such streets, make such terms with the owners encroached upon, either by gift or purchase, as they may mutually agree upon; but in case of disagreement, or when said owners may be lunatics, infants, non-residents or unknown persons, then the mayor shall apply to the clerk of the circuit court of Lee county for a writ of *ad quod damnum*, to be directed to the sheriff of said county, commanding him to summon a jury of seven disinterested freeholders of said county to appear at a stated place, on a day named, not less than ten days from the date of the writ, and then to proceed, under oath to be administered by said sheriff, to assess, under the direction of the said sheriff, the value of the lands claimed; and the said jury shall, after viewing the premises and hearing testimony *pro* and *con*, render a verdict, which may be done by a simple majority; *Provided, nevertheless*, That the said application shall be made in writing, and that the writ shall state the lands required, and the names of the owners respectively, if known, and that written notice shall be served upon said owners, if known or found, of such applications and the day and place of convening the jury of arbitration. After said jury shall have rendered their verdict, it shall be endorsed on the writ by them, and shall assess the damages of each proprietor severally; and the sheriff shall thereupon return the writ so endorsed to the clerk of the said circuit court, and the verdict so rendered shall be entered on the records of said circuit court at the next term of said court. After the return of said writ, and the return of the verdict, and the payment to the clerk of the damages assessed, to be paid by him to the owner or owners, the land so assessed shall enure to the public use, as parts or extensions of the streets, unless the city council, or the interested proprietor or proprietors from whom the lands are claimed, shall, within thirty days, take an appeal to the circuit court having venue of the case; and on such appeal being taken, the mat-

Damages, how determined.

Proviso.

Notice of arbitration.

Trial, upon appeal.

ter shall be tried in said court *de-novo*. On the suing out of the said writ, the mayor shall pay to the clerk of the court two (2) dollars for each juror, and four (4) dollars for the sheriff.

Notice of city laws.

SEC. 28. *Be it further enacted*, That before any ordinance or by-law enacted by the said city council, as a part of the code of laws for the government of said city, shall become of force, ten days' notice of the same shall have been given by posting in at least four public places and publication in a newspaper or newspapers published in said city.

First election: when and how held.

SEC. 29. *Be it further enacted*, That for the purpose of establishing a city government for the city of Opelika, the first election held under this charter shall be held within fifteen days after the approval of this act, and that the probate judge, sheriff and clerk of the circuit court of the county of Lee, shall constitute a board of supervisors for said election, any two of whom may act as fully as if all three were present, and to determine and designate the place of holding said election, appoint managers, publish notices, and declare results, and to do and perform all things as required of the mayor and council concerning city elections, as provided in this charter.

SEC. 30. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, March 26, 1873.

No. 295.]

AN ACT

To incorporate the town of Ozark, in the county of Dale.

Corporate limits.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Ozark, in the county of Dale, be and the same is hereby incorporated, and the corporate limits of said town shall extend one mile in every direction from the centre court house in said town.

SEC. 2. *Be it further enacted*, That the officers of said town shall be one mayor, five councilmen, one marshal, and one clerk, who shall also be treasurer, who shall be resident citizens of said town for six months next preceeding their election to such office, and who shall be elected by the qualified electors of said town, on the first Saturday in April of each and every year, and whose term of office shall be for one year, and until the election and qualification of their successors in office.

Officers of corporation.

Annual election.

SEC. 3. *Be it further enacted*, That the first election for mayor, councilmen, marshal and clerk of said town shall be held on the first Saturday in April next, according to the laws regulating elections in this State, by inspectors appointed for that purpose, by the present intendant of said town ; and such inspectors shall conduct, hold and manage such election as aforesaid, and make return thereof within three days thereafter, to the present intendant and councilmen of said town, who shall, within five days from the time of such election, examine such return and declare the result of such election ; *Provided*, That written notice of such election shall have been posted at three places in said town at least ten days before the day thereof.

First election.

SEC. 4. *Be it further enacted*, That all elections in said town for officers thereof, after such first election, shall be held as aforesaid on the first Saturday in April of each and every year, by inspectors appointed for that purpose by the mayor and councilmen of said town, and such inspectors shall hold and manage such elections in pursuance to the laws regulating elections in this State, and shall make return thereof within three days thereafter, to the mayor and councilmen of said town, whose duty it is hereby made to examine such return within five days after such elections, and declare the result thereof ; *Provided*, That due notice of such elections shall be given as required by section three of this act.

Inspectors.

SEC. 5. *Be it further enacted*, That in case of a vacancy in any of said offices, the mayor and councilmen shall, within ten days thereafter, order an election to fill such vacancy.

SEC. 6. *Be it further enacted,* That said officers, before they enter upon their duties as such, shall each take the oath prescribed for civil officers in this State, and the marshal and clerk shall each be required to give bond in the sum of three hundred dollars, conditioned, faithfully to execute and discharge the duties of their offices, to keep due and correct account of all monies coming into their hands as such officers, and to make report of the same to the mayor and councilmen of said town quarterly, which bonds must be approved by the mayor.

Oath.

Bonds of marshal and clerk.

SEC. 7. *Be it further enacted,* That it shall be the duty of the mayor to attend and preside at all meetings of the council, keep order, put questions, take votes, &c., and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try, convict and punish the person committing the same, such punishment not to extend beyond ten days imprisonment in the calaboose of said town, and the payment of the costs in the case, and a fine not to exceed forty dollars, one or both, at the discretion of said mayor; but in any event, upon conviction, the defendant shall pay all costs; *Provided,* That the same authority to commute fines not secured as may be required, is hereby conferred upon such mayor as is exercised by circuit judges in this State; *And provided, further,* that the mayor's fees in every case shall be the same as those of a justice of the peace, to be taxed as costs and collected from the defendant upon conviction.

Duty of mayor.

SEC. 8. *Be it further enacted,* That the power and authority are hereby conferred upon the council of said town to elect annually an attorney therefor, whose duty it shall be to prosecute all defendants in the mayor's court for violations of the laws and ordinances of said town, and to give his opinion upon any question before the council, whenever required to do so; *Provided,* That he shall not have any other pay for his services than that hereinafter provided for.

Corporation attorney.

SEC. 9. *Be it further enacted,* That if any attorney shall be elected for said town in pursuance to

the provisions of the preceding section, he shall be entitled to a solicitor's tax fee for each conviction in the mayor's court of said town, not to exceed in any case the sum of five dollars, and to be taxed and collected from the defendant as other costs; *Provided*, That the power to elect such attorney for said town may be exercised or not, at the discretion of said council.

Fees of attorney.

SEC. 10. *Be it further enacted*, That said incorporation shall have power and authority to ordain and pass all such ordinances, by-laws and resolutions, and make all such regulations as may be deemed necessary for the good government of said town, which ordinances, by-laws, resolutions and regulations may extend to the preservation of health, to prevent and remove nuisances, to tax, license and restrain theatrical amusements, shows and museums of all kinds whatsoever within said incorporation, to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries, houses of ill fame and disorderly conduct; to tax, license, regulate and restrain the sale of vinous or spirituous liquors, whether by retail or wholesale, within the corporation; to license and tax ten-pin alleys and billiard tables; to regulate and establish markets, town prisons, sink and repair public wells, and make all needful provisions for furnishing the town with water; to keep in repair all necessary streets, alleys and drains, and to adopt regulations necessary for the same; to levy and collect taxes on all property in said town for the purpose of defraying the expenses of the same, which tax shall not extend beyond one-fifth of one per cent. on the valuation thereof; to tax and license all auctioneers, whether resident or transient, and in general to pass all such ordinances and by-laws, not inconsistent with the constitution and laws of this State, as may be necessary for the good government of said town.

Powers of corporation.

SEC. 11. *Be it further enacted*, That the clerk of said town is hereby authorized and empowered to issue all such executions and other process as may be necessary to enforce the collection of all taxes,

Clerk authorized to issue executions.

finer, forfeitures and other dues, which may be due and owing to the said town, on any account whatever.

Clerk to make assessments.

SEC. 12. *Be it further enacted,* That the clerk is hereby authorized and required to make annual assessments of the taxes authorized by this act, and to collect the same in pursuance to this act and the ordinances of said town; and such assessments, when corrected and approved by the mayor and councilmen, shall have the force and effect of a judgment and execution.

Judicial power of marshal.

SEC. 13. *Be it further enacted,* That the marshal shall have authority, without warrant, to arrest all offenders breaking the peace, or violating any ordinance or law of said town, and bring them before the mayor; to execute, by levy and sale, if necessary, all process issued by the clerk for the collection of taxes, fines, forfeitures and other dues owing to said town, and to discharge such other duties as may be made incumbent upon him by the ordinances and laws of said town.

Fees of marshal.

SEC. 14. *Be it further enacted,* That the marshal shall be entitled to two dollars for each arrest made, in case the party is convicted, to be taxed and collected from the defendant, and he shall be entitled to such other fees for his services as may be allowed by the council, not to exceed, if in the nature of a salary, the sum of one hundred dollars.

Penalty for failure to assist the marshal.

SEC. 15. *Be it further enacted,* That if any citizen of said town shall be called upon by the marshal to assist him in making an arrest, and shall refuse or decline to do so, such citizen shall be subject to a fine of not more than twenty-five dollars, to be determined by the mayor as other alleged violations of the laws and ordinances of said town.

Name and style of corporation.

SEC. 16. *Be it further enacted,* That the said mayor and councilmen and their successors in office are hereby declared and constituted a body corporate, to be known and recognized by the name and style of "The Town of Ozark," and by that name they may sue and be sued in all the courts of law and equity in this State, and shall be capable of purchasing, holding and conveying, for the benefit.

of said town, property, personal and real, not to exceed in value the sum of ten thousand dollars.

SEC. 17. *Be it further enacted*, That no person residing within said corporation shall be required to do road duty outside of said corporation, nor in any manner except as required by said corporation.

Exemption from road duty

SEC. 18. *Be it further enacted*, That the officers of said corporation are hereby clothed with power and authority to do any and every act necessary to carry into full force and effect all the provisions of this act.

Full power to enforce the laws.

Approved March 19, 1873.

No. 296.]

AN ACT

To incorporate the town of Springville in the county of St. Clair.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Springville, in the county of St. Clair, be and the same is hereby incorporated and the corporate limits of said town are hereby established as follows, to-wit: Making the large spring in said town, the central point, and the corporate limits to extend one mile from said spring in every direction.

Boundaries.

SEC. 2. *Be it further enacted*, That on the third Monday in April, one thousand eight hundred and seventy-three, and on the same day in each and every year thereafter, there shall be holden an election for intendant and three councilmen all of whom shall be resident citizens within the limits of said town, the first election to be held by a notary public or justice of the peace, and two free-holders or householders of said town, all subsequent elections to be held by the intendant and councilmen, any two of whom may act and hold said election. The term of office of said intendant and councilmen shall be twelve months and until their successors shall have been elected and duly qualified, which qualification shall consist in the intendant elect, together

Annual election.

First election: how held.

Oath. with the councilmen elect, subscribing to the following oath, in the presence of a notary public or justice of the peace, to-wit: We, the intendant and councilmen elect for the ensuing year, do severally and collectively pledge unto the citizens of the town of Springville, that we will perform all the duties of our respective offices impartially and adhere faithfully to the letter and spirit of the charter of said town. The said intendant and councilmen shall be and they are hereby constituted a body corporate

Name and style by the name and style of intendant and councilmen of the town of Springville, by which name they and their successors in office shall be capable in law of suing and being sued, pleading and being impleaded in all manner of suits, either in law or in equity, also to have and keep a common seal, to purchase hold and dispose of, for the benefit of said town real or personal, or mixed property, to the amount of five hundred dollars, and in general to do all acts incident to bodies corporate. If the election should not be held on the day aforesaid, then parties designated to hold said election on said day, shall designate a day for holding the same within thirty days thereafter.

Powers of corporation. SEC. 3. *Be it further enacted,* That the said corporate authorities shall have power to ordain ordinances, by-laws and regulations as may be by them deemed necessary for the good government of said town, including the promotion of health, establishing license and tax laws, prohibiting gaming, drunkenness, profanity, obscene language, assaults and batteries, unlawful assemblies, riots, routs, affrays, and all breaches of the peace, appoint night watch and patrol. keep the streets and sidewalks in good order, prohibit trespasses on the same, assess and collect taxes on real and personal property, not exceeding one per cent, to grant licenses to and tax shows, exhibitions, merchants and auctioners whether itinerant or permanent, which tax shall be collected by execution, if necessary, by order of the intendant, the said corporate authorities may do all other acts not contrary to the constitution and laws of Alabama.

SEC. 4. *Be it further enacted,* That the intendant and councilmen of the town of Springville may elect of their members or of the citizens of said town a treasurer, a secretary, assessor and collector and of the citizens of said town, they may elect a marshal, and any other subordinate officer that may be necessary in their judgment to execute the laws and regulations of said town, and to carry into effect the intent of this act; *Provided,* The intendant shall determine the necessity of a bond and the efficacy and solvency of said bond as a qualification, precedent to entering upon duty on the part of said office or any of them, the intendant may also impose a fine of not exceeding ten dollars upon any councilman or subordinate officer for any dereliction of duty or contempt of court.

Subordinate officers.

SEC. 5. *Be it further enacted,* That it shall be the duty of the intendant to provide and keep order at all meetings of council, if absent or incapacitated the councilmen, if a quorum be present, may choose one of their number to preside. The intendant is hereby vested with full jurisdiction and power of a justice of the peace, and shall perform all the duties thereof in the county of St. Clair, and shall be subject to the penalties and liabilities of justice of the peace; the corporate laws shall limit the jurisdiction and determine the duties of all other officers.

Duty of intendant.

Judicial powers.

SEC. 6. *Be it further enacted,* That all vacancies in the board of councilmen shall be filled by the remaining survivors of said board, until the next general election provided for in this act, and if the office of intendant shall become vacant, it shall be the duty of the councilmen to order an election upon a designated day, after giving ten days notice in at least three conspicuous places within said corporation, of the time and place of said election for an intendant to fill out the time of his predecessor, until the next annual election, said election to be held by the councilmen and one free-holder or house-holder of said town.

Vacancies: now filled.

SEC. 7. *Be it further enacted,* That the qualification to vote shall be limited to thirty days residence within the limits of said corporation, immediately

Qualification to vote.

preceeding said election, with the avowed purpose of residing permanently in said town.

SEC. 8. *Be it further enacted,* That the managers of said election shall cause the polls to be opened at 11 a. m., and closed at 4 o'clock p. m., and the ballots shall be counted in the presence of said managers, by the clerk of said election, and the result of said election shall be made known forthwith to the successful candidates, by certificate signed by the managers, and the poll list and the ballot be delivered immediately to the intendant elect.

SEC. 9. *Be it further enacted,* That it shall be unlawful for any person or persons to retail any spirituous, vinous or malt liquors, or bitters within the corporate limits of said town; *Provided,* That this section shall not be construed, so as to prevent any practicing physician or druggist selling bitters, spirituous, vinous or other liquors, or beer for medical or sacramental purposes.

SEC. 10. *Be it further enacted,* That from every decision made by the intendant or members of council sitting in the absence of the intendant, any person agrieved thereby shall have the privilege of appeal by writ of *certiorari* to the circuit court of St. Clair county as if the said intendant was setting in the capacity of justice of the peace.

SEC. 11. *Be it further enacted,* That this act shall take effect from and after the day of its enactment, and all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

SEC. 12. *Be it further enacted,* That in all elections under this charter all resident male citizens twenty-one years of age or upwards, who have resided in said town for twenty days next preceding such election shall be qualified voters and none others.

SEC. 13. *Be it further enacted,* That at the time of the first election of officers of said incorporation under the provisions of this act, the question of "corporation" or "no corporation" shall be submitted to

a vote of the citizens entitled to vote under the provisions of this act, and unless a majority of such citizens voting on such question, shall vote for same, this act shall not go into operation.

No. 297.]

AN ACT

To incorporate the city of Tuscaloosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all that tract of land included within the following boundaries, viz: Beginning at the southwest corner of section twenty-two, in township twenty-one of range ten west, and running east on the south boundary line of said section to the southeast corner, thence north on the east boundary line of said section twenty-two, to the northeast corner of the same, thence north on the east boundary line of fractional section fifteen to the low water line on the north bank of the Black Warrior river, thence west down the river along the low water line of its north bank to the point of intersection of the low water line with the west boundary line of section fifteen and twenty-two in township twenty-one of range ten west, and thence down the west boundary line of section twenty-two to the place of beginning, shall be designated and known by the name of the city of Tuscaloosa.

Boundaries.

SEC. 2. *Be it further enacted,* That the inhabitants residing within the limits of said city of Tuscaloosa, as in the first section of this act established, shall be and they are hereby constituted and declared a body corporate and politic, by the name and style of "the mayor and aldermen of the city of Tuscaloosa," and by their said corporate name and style, may sue and be sued, plead and be impleaded, either at law or in equity, in all the courts of this State. They may purchase, receive and hold personal and real estate, to any value, not exceeding one million of dollars, at any one time, using and disposing of the same for the city of Tuscaloosa only; and may grant and convey personal and real

property, and do all other acts as natural persons; and said corporation may have and use a corporation seal, which they may alter at pleasure.

Wards to be
laid off by pres-
ent authorities

SEC. 3. *Be it further enacted*, That the mayor and aldermen now in office in the city of Tuscaloosa shall, between the second and fourth Mondays in November, 1873, divide and lay off the territory within the corporate limits of said city, into wards, containing as near as may be an equal number of inhabitants; and that the mayor and aldermen to be elected according to the provisions of this act for said city, shall, between the second and fourth Mondays in November of each succeeding year examine said wards; and if in their opinion, it shall be necessary for more equal representation, make such changes in said divisions of wards, as circumstances may require, so as not to increase the present number of wards above the present number of six.

Election for
1873.

SEC. 4. *Be it further enacted*, That the present mayor and aldermen of the city of Tuscaloosa shall cause an election to be holden on the first Monday in December A. D., 1873, for a mayor of the city of Tuscaloosa and for one alderman for each of the six wards of said city. The election to be held at such place or places as said mayor and aldermen may determine; and said mayor and aldermen so elected and each subsequent board of mayor and aldermen shall in like manner cause an election to be holden for mayor and six aldermen, each and every succeeding year.

Notice of said
election.

SEC. 5. *Be it further enacted*, That he said mayor and aldermen shall give at least ten days notice of said election by publication in some newspaper published in said city, of the time and place or places when and where it will be held; and the persons appointed by said mayor and Aldermen as judges thereof, shall open the polls between the hours of nine and ten o'clock in the morning and close them at four o'clock p. m. at each election.

Qualified
voters.

SEC. 6. *Be it further enacted*. All male persons shall be qualified voters in the election of officers and other elections held in said city, who are qualified by the constitution and laws of the State to vote for members of the State Legislature, and who

reside in the corporate limits of said city ; *Provided* That any male person so qualified by the laws of the State, may also vote in said election, who do business within said corporate limits and pay city taxes on five hundred dollars worth of real estate, located within the said city limits. He voting for aldermen only in the ward in which he may own the greatest amount of real estate in value.

SEC. 7. *Be it further enacted,* That any elector of said city, who is twenty-one years of age or upwards shall be eligible to the office of mayor or alderman or marshal ; and should the mayor of said city remove therefrom or be absent for three months at any one time, without the consent of the aldermen, his office shall be thereby vacated. And should any alderman remove from the ward in which he was residing at the time of his election or be absent therefrom for three months at any one time without the consent of the mayor and other aldermen his office is thereby vacated.

Eligibility.

Offices: how vacated.

SEC. 8. *Be it further enacted,* That whenever any vacancy shall occur, either by death, resignation, refusal to accept, removal or absence as aforesaid, in the office of mayor or alderman, it shall be the duty of the remaining members forthwith to advertise and cause an election to be holden within ten days after such advertisement to fill any such vacancy.

Vacancies to be filled by the citizens.

SEC. 9. *Be it further enacted,* That should two or more competing candidates for the office of mayor receive an equal number of votes, the aldermen chosen at the same election, shall determine which of said candidates so receiving an equal vote shall be mayor ; and should any two or more candidates for aldermen receive an equal, number of votes at any election, the mayor elected at that election shall decide and declare which of said candidates so receiving an equal vote shall be alderman or aldermen, and the mayor and aldermen of said city shall provide by ordinance for the decision of any other tie than those aforesaid.

In case of a tie

SEC. 10. *Be it further enacted,* That the election of persons declared to be elected mayor or aldermen, or marshal of said city of Tuscaloosa may be con-

Contested election.

tested by any qualified elector of said city for any one or more of the following causes: 1st. malconduct, fraud or corruption on the part of any inspector, judge, clerk, returning officer, or board of supervisors. 2d. When the person whose election to such office is contested was not eligible thereto. at the time of such election. 3d. On account of illegal votes. 4th. Any intimidation, threats to discharge from employment, offers to bribe or bribery, violence, abuse, or any other unlawful conduct calculated to prevent a fair, free and full exercise of the elective franchise.

"Further, relative to contests

SEC. 11. *Be it further enacted*, That any elector choosing to contest any election for any office mentioned in section 10 of this act, must within fifteen days after such person is declared duly elected, present a statement of the grounds of contest verified by affidavit as required in section ten to the judge of probate of the county in which such election was held, who must appoint a day not less than fifteen nor more than twenty days from the time of such presentation for the trial thereof, and endorse the same on such statement he must also at the same time give security for the costs of such contest to be approved by such judge, but in no case shall the judge of probate required more than five hundred dollars as security.

Copy of statement to be served on other party.

SEC. 12. *Be it further enacted*, That a copy of such statement, with the day of trial endorsed thereon, must be served on the person, whose election is contested, or left at his usual place of residence at least ten days before the day appointed for trial, by any sheriff or constable and the original notice returned to the probate judge with the mode of service endorsed thereon.

Compulsory attendance of witnesses.

SEC. 13. *Be it further enacted*, After the notice required has been given, either party is entitled to subpoenas to compel the attendance of witnesses on the day fixed for trial, which must be issued on application by the judge of probate, before whom the contest is to be tried; the same proceedings may be had against defaulting witnesses as in matters litigated in courts of probate, such proceedings being

returnable to any regular court of probate held within three months after such proceedings are taken.

SEC. 14. *Be it further enacted,* That testimony may also be taken by deposition in such cases and in like manner as in matters litigated in probate courts. The witnesses and commissioners are entitled to the same compensation as in other cases; and the court may for good cause continue the trial to some other day, but no continuance must be over thirty days and such trial must not be continued more than twice on the application of the same party. Testimony by deposition.

SEC. 15. *Be it further enacted,* That the judge of probate has authority to make an examination of the ballots given in such election on the trial of any contest thereof, so far as the same may be necessary to arrive at a correct judgment and must be governed in the trial and determination of such contest by the rules of law and evidence governing the determination of questions of law and fact, in the courts of law in this State, so far as the same are applicable, and after hearing the proofs and allegations must give judgment, either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested, duly elected. Authority of probate judge.

SEC. 16. *Be it further enacted,* That if it appear that two or more persons have received an equal number of legal votes for such office, the trial of said cause, must be temporarily adjourned, and such result certified to the mayor and aldermen elect, who will give the casting vote as provided in section 9 of this act, and the casting vote being given judgment must be rendered, declaring such person to whom such vote is given elected. Cases of tie.

SEC. 17. *Be it further enacted,* That when the person whose election is contested, is proved to be ineligible to the office, judgment must be rendered, declaring the election void as to such person, and the person having the next highest number of legal votes shall be declared duly elected to the office. How in case of proven ineligibility.

SEC. 18. *Be it further enacted,* That when the election is declared void, or when any other person.

Costs of contest. than the one whose election is contested, is declared elected, the party contesting recovers of the person whose election is contested, all costs, for which execution may issue, returnable to any regular term of the court of probate, within three months after its issuance.

Further relative to costs. SEC. 19. *Be it further enacted*, That in all cases when the contesting party is defeated, the party whose election was contested, recovers of him all costs, for which execution against him and his sureties may issue, returnable as in the preceding section

When judges of election are to be appointed SEC. 20. *Be it further enacted*, That the mayor and aldermen, at the regular meeting or a called meeting, during the first week of November of each year, shall appoint three judges, any two of whom may act, and two clerks, whose places, in case of absence shall be filled by the judges, to hold the annual election for mayor and aldermen of said city; and shall provide by ordinance, for the advertising, holding, managing, and making returns for all elections of mayor and aldermen or other officer of said city elected by the people.

Oath of office. SEC. 21. *Be it further enacted*, That the mayor and aldermen before entering on the duties of their office, shall take the following oath, before the judge of the probate court or some justice of the peace for said county, to-wit: "I do solemnly swear or affirm (as the case may be) that I will well and truly, and to the best of my knowledge and ability execute and discharge the duties of mayor (for the mayor) and of alderman (for the aldermen) of the city of Tuscaloosa, as prescribed by this act, without favor, affection or partiality, so help me God."

In case of vacancy, temporary appointment authorized. SEC. 22. *Be it further enacted*, That when the mayor or either of the aldermen of said city, shall be absent as aforesaid, with or without the consent of the remaining members of the board for a less time than that which renders either of their offices vacant as aforesaid, or when any vacancy shall occur in either of said offices, by death, resignation, refusal to accept, removal, absence as aforesaid, or in any other manner, those of said board at home and in office, shall make a temporary appointment

should they deem it necessary, of some competent person to act until the return of said absentee, or till the vacancy shall be filled by election.

SEC. 23. *Be it further enacted*, That said mayor and aldermen shall have regular stated monthly meetings, fixed by law by them to be ordained, and they or a majority of them shall have power to adjourn their meetings from time to time.

SEC. 24. *Be it further enacted*, That the mayor may at any time call a meeting of the aldermen for the transaction of any and all business, by written notice, designating the time and place of meeting, and on application of any two aldermen, the mayor shall call a meeting in like manner.

Called meeting.

SEC. 25. *Be it further enacted*, That they may have a secretary, and they shall keep a journal of their proceedings, and record their official acts and doings, and the yeas and nays on any question or subject shall be taken and recorded at the request of any member of the board. The deliberations of the mayor and aldermen shall always be open to the public.

Secretary.

SEC. 26. *Be it further enacted*, That there shall be elected by the qualified electors of said city at the time and place of electing the mayor and aldermen, a marshal for said city whose term of service shall be the same with that of mayor and aldermen, unless he is removed, dies, resigns, or otherwise vacates his office.

Marshal.

SEC. 27. *Be it further enacted*, That the mayor and aldermen, by a vote of two-thirds, may at any time remove from office the marshal of said city, and supply his place at once by a temporary appointment.

Removal of marshal.

SEC. 28. *Be it further enacted*, That if at any time the marshal of said city shall die, resign, remove from said city, or be removed from office, then the mayor and aldermen shall order an election to fill the vacancy, and give ten days notice of the time and place of said election. In all elections for marshal the same rules shall be observed and laws given, as near as may be, as provided for in the election of mayor and aldermen.

Vacancy in office of marshal: how filled.

SEC. 29. *Be it further enacted,* That the mayor and aldermen shall elect each year in December, an assessor and collector of taxes for said city, who shall hold his office for one year, unless sooner removed for cause by the board of mayor and aldermen.

SEC. 30. *Be it further enacted,* That the two offices of assessor and collector may be held by the same person. The said assessor and collector shall assess and collect the taxes for said city of Tuscaloosa under such rules, regulations and by-laws as may be ordained by said mayor and aldermen, and is subject to removal from office for any misfeasance or malfeasance therein, or neglect to discharge the duties of said office of assessor, or of collector, to be judged of and determined after notice to said assessor or tax collector, but removal cannot be made unless by vote of two-thirds of said board of mayor and aldermen.

SEC. 31. *Be it further enacted,* That all vacancies in said office of assessor or collector, shall be filled by the mayor and aldermen.

SEC. 32. *Be it further enacted,* That the mayor and aldermen shall appoint such other officers as they deem necessary for the protection and good government of said corporation, and allow them, respectively, such compensation for their service as may be deemed reasonable and just. Such officers so appointed may be removed from office at any time by the board.

SEC. 33. *Be it further enacted,* That the mayor of the city of Tuscaloosa shall have and may exercise all powers of a justice of the peace, or notary public, within the county of Tuscaloosa.

SEC. 34. *Be it further enacted,* That the mayor and aldermen of the city of Tuscaloosa shall have power to levy and collect annually a tax on all real estate and personal property within the corporate limits of said city, not to exceed in amount one per cent. on the value thereof.

SEC. 35. *Be it further enacted,* That the tax on real and personal property be laid in proportion to the value thereof, according to an assessment and valuation given by the owner or his or her agent on oath,

Assessor and collector.

Duties of assessor and collector.

Vacancy in office of assessor and collector.

Other subordinate officers.

Judicial powers of mayor.

Authority to levy taxes.

How taxes shall be laid.

or by the assessor of the city of Tuscaloosa, when said owner fails or neglects or refuses to give in and value his property. The mayor and aldermen shall determine the amount of tax for each and every year.

SEC. 36. *Be it further enacted*, That if any person think his or her property assessed too high, he or she shall have a right to complain to the mayor and aldermen, which complaint shall be made within thirty days from the date of said assessment; and upon complaint being made, the said mayor and aldermen shall consider the same, and if in their judgment said assessment is too high, shall reduce the same, and their decision on this subject be final and conclusive.

In case of high assessment.

SEC. 37. *Be it further enacted*, That said mayor and aldermen may levy and collect a poll tax annually in said city, not exceeding the State poll tax.

Poll tax.

SEC. 38. *Be it further enacted*, That the mayor and aldermen of said city shall appoint an overseer or overseers of streets, highways, and public landings of said city, and shall require and regulate the working on the same, not exceeding ten days in each year.

Overseer of streets.

SEC. 39. *Be it further enacted*, That the mayor and aldermen may exempt, at their discretion, from working the streets and highways, all persons living within the corporation, liable by law to work on roads and highways, and require of such persons to pay an additional poll tax, not exceeding five dollars a poll on each one liable to work by law, and they are authorized to levy and collect such additional poll tax annually, and it shall be assessed by the same officer and at the time and place of the general assessment of said city.

Power to exempt.

SEC. 40. *Be it further enacted*, That the mayor and aldermen shall have power to levy and collect taxes on the sales of goods, wares and merchandise, and on money hoarded, which tax shall be assessed at the same time and place as assessment of real estate. *Provided*, That no tax shall be laid on the sale of cotton as merchandise.

Taxes on sales of goods, etc.

Tax on auction sales.

SEC. 41. *Be it further enacted*, That the mayor and aldermen shall have power to levy and collect taxes on all auction and commission sales of goods, wares or merchandise, and to require monthly returns of the said sales.

Taxes have effect of a judgment.

SEC. 42. *Be it further enacted*, That all the taxes levied by the mayor and aldermen of said city, and assessed as provided by this act and the ordinances of the board of mayor and aldermen, shall have the force and effect of a judgment at law against the individual assessed with the same and against the real estate and personal property of the individual so assessed, and against the real estate assessed to all "owners unknown," and the lien of said judgment shall be of the same force and effect as if it had been recovered in the circuit court of the county of Tuscaloosa. *Provided*, That no property shall be exempt from sale to pay said taxes so assessed in said city.

Warrant to tax lists.

SEC. 43. *Be it further enacted*, That within sixty days after the assessor shall have completed the lists of assessments and valuations, and the same shall be, if necessary corrected by the mayor and aldermen, to be judged of by them, the mayor shall issue his warrant annexed to the tax list, to the collector of the corporation tax, which shall be his authority to collect the same. *Provided*, That each person liable to pay the tax on sales at auction and on commission shall on the first day of each month, give in under oath the gross amount of sales of each preceding month to the tax assessor, and the tax collector shall collect the amount of tax so laid by the mayor and aldermen upon such sales. The failure or refusal of any person to make said return each and every month, is a misdemeanor, for the punishment of which the mayor and aldermen shall provide with such penalties as they may deem proper.

Proviso.

Tax collector to give notice.

SEC. 44. *Be it further enacted*, That it shall be the duty of the tax collector to give thirty days notice in some newspaper published in said city, that the city taxes for the year, (or the particular tax as the case may be) are required to be paid to him on or before a certain day specified; and if the same shall not be paid, to levy on the personal estate of

the individual or corporation assessed, and to sell the same, or so much thereof, as shall be sufficient to pay the tax assessed, and two dollars as costs, one to the tax collector for the levy and sale, and one for advertising said sale in some newspaper published in said city, giving the day and place thereof, at least five days prior thereto.

SEC. 45. *Be it further enacted,* That if any real estate be assessed either to persons known or unknown owners, and the taxes or dues assessed thereon shall remain unpaid for sixty days from the time when the said taxes or dues are required to be paid, then the tax collector shall give notice by advertisement in some newspaper published in the city of Tuscaloosa, for four weeks, which notice shall describe the lot or lots, or part or parts of the same, by number, on which said tax was levied, and give the name of the person to whom assessed, or state that the owner is unknown, and also the amount of tax assessed, and what amount is due and unpaid on said property, and for what year or years it is due, and shall also state that the tax collector will, on a certain day, at some place within said city, proceed to sell each of said lots upon which the taxes and dues shall not be paid, or so much thereof as shall be sufficient to pay the same on the appointed day, and on such day, (unless the tax collector for good cause shall adjourn the sale to some other day not longer than ten days from the time appointed,) and then on that day shall proceed to sell any of said lot or lots on which the taxes over-due still remain unpaid, or so much thereof as will be sufficient to satisfy the taxes assessed, and two dollars as a fee for advertising and making a deed to the purchaser at said sale.

Power to sell
for delinquent
taxes.

SEC. 46. *Be it further enacted,* That the tax collector shall give the purchaser at tax sales a deed in substance as follows: Know all men by these presents, that I, _____, as tax collector of the city of Tuscaloosa, do hereby certify that the city taxes for the year 18—, (or the particular tax as the case may be) being due and unpaid on a lot of land in said city numbered in the plan thereof as lot number —, (or the east or west part of lot number —, as the case

Forms of deed
of tax collector.

may be,) assessed for taxes as the property of —, (or to owner unknown,) I have this day sold the same (or such part as he may sell) to —, who has paid the taxes and dues thereon amounting to — dollars, including fee of two dollars for advertising sale and making this deed, and for and in consideration of the premises, and the said sum of — dollars, to me paid, the receipt of which I hereby acknowledge., I do bargain, sell and convey as tax collector, and by these presents have bargained, sold and conveyed to the said —, the purchaser, the lot above described, together with all its appurtenances; to have and to hold the same unto him and his heirs and assigns forever, unless within two years from the date thereof, the owner or some person interested in said lot, or his agent or attorney, shall redeem the same. In witness whereof, I have hereunto set my hand and seal of the said corporation, this the — day of —, 18—; and to this deed the mayor shall affix the seal of the city of Tuskaloosa.

Deeds to be recorded by secretary.

SEC. 47. *Be it further enacted*, That the mayor shall cause the secretary of the corporation, or such other person as may be charged with the duty, to record each of said deeds in a well bound book to be kept for that purpose, before he shall permit the seal of the city to be affixed. The fee for such recording shall be fifty cents, to be paid to the officer doing the same, and endorsed on the deed.

Fee.

Deeds to be recorded in office of probate judge.

SEC. 48. *Be it further enacted*, That the purchaser of any lot of land situate in the city of Tuskaloosa, and sold at any tax sale by the city tax collector, is required to have such deed acknowledged and recorded in the office of the probate judge of said county, in six months after the making thereof.

Deeds prima facie evidence in suits.

SEC. 49. *Be it further enacted*, That in any suit or action in law or equity in this State, concerning the title, or the possession, of any lot of land situate in said city of Tuskaloosa, sold at any tax sale by the tax collector of said city, the deed made to the purchaser of said lot in substantial compliance with the requisitions of sections 45, 46 and 47 of this act, shall be by said court having jurisdiction of the cause, received as *prima facie* evidence of a good.

and sufficient title in law or equity to the lot or lots of land conveyed in said deed, to the purchaser, or claimants under him.

SEC. 50. *Be it further enacted*, That any lots of land or real estate which have been or may be sold for taxes in the city of Tuscaloosa, may be redeemed within two years from the day of sale by any person interested therein, who will deposit with the city treasurer for the use of the purchaser, the amount of purchase money including all costs of advertising selling, making deed, and recording the same by secretary of board and probate judge, with twenty per cent. per annum interest, together with all taxes which may be due to the city on said property, and upon such deposit if made within two years from the day of sale, the title created by the sale and deed to purchaser hereinbefore provided shall cease and determine.

How real estate thus sold may be redeemed.

SEC. 51. *Be it further enacted*, That when the deposit mentioned in section 49 is made, the secretary of the board shall give the party making it a certificate thereof, to which the seal of the corporation shall be attached, for which said secretary shall receive a fee of one dollar; and upon granting said certificate the purchaser at the tax sale, and claimants under him, shall relinquish possession, and if after demand, any person shall fail or refuse to give up possession, they shall be deemed unlawful detainers of said property, and shall be liable as such, in any assessment, action or suit therefor, at the instance of any one entitled to the possession of said lot of land.

Relinquishment of possession.

SEC. 52. *Be it further enacted*, That the secretary of the board shall, so soon as said deposit is made, notify the purchaser, and pay over to him the purchase money, and all other expenses about said sale and recording said deed, with the twenty per cent. interest thereon, and take his receipt therefor.

Notice to purchaser.

SEC. 53. *Be it further enacted*, That the corporate authorities shall have power to assess and collect a tax on any and all public shows, concerts, exhibitions, theatrical entertainments, menageries, circuses, and on any other public amusement, and the amount of taxes provided for by this section

Power to tax shows, etc.

shall be fixed by the mayor and aldermen, and may be collected by license, or in such other mode as may be deemed best; *Provided*, That no tax shall be laid on any concert, exhibition, lecture, theatrical entertainment, or other public amusement which is solely for a charitable purpose.

Mayor, constituted conservator of the peace

SEC. 54. *Be it further enacted*, That the mayor of said city is a conservator of the peace within the corporate limits thereof, and it is his right and duty to suppress all affrays, riots, unlawful assemblies, and insurrections, all lewd, indecent, profane, boisterous, riotous or disorderly conduct, in any public place therein; to do which he may summon to his aid as many of the male inhabitants residing in the corporation, as he may think proper. He has full power to punish for contempt in the same manner and under the same rules and regulations prescribed by the Revised Code of Alabama in reference to the punishment for contempt by justices of the peace, He has full power to try all offences against the ordinances and by-laws of the corporation, without regard to the amount of the fine or forfeiture, and to punish the offender both by fine and imprisonment in the manner prescribed by said ordinance.

Powers of mayor and aldermen.

SEC. 55. *Be it further enacted*, That the mayor and aldermen shall have power to suppress houses of ill fame, to restrain, prohibit and punish every species of vice and immorality, all disorderly conduct, affrays, assaults and batteries, and all other breaches of the peace within their corporate limits; to license, restrain and regulate billiard tables, tennis alleys, pool tables, and all other tables and games of like kind, and to cancel and annul such; and all other licenses granted by said corporation; to restrain and prohibit racing and cock fighting, and prohibiting gaming of any description within their corporate limits, and in general to suppress, restrain, prohibit and punish all acts, assemblages, or things within the said corporate limits, injurious to the public health, or morals, or endangering the peace and good order of said city.

SEC. 56. *Be it further enacted*, That the mayor and aldermen shall have full power to declare nuis-

ances, and to suppress, abate, and remove them when so declared; to establish night watches, patrols and guards; to erect lamps; to compel the owners of houses and lots on the streets or squares of said city to pave with stone or brick the sidewalks opposite their lots, and to plant shade trees along the sidewalks in front thereof, and to protect by adequate penalties shade and ornamental trees in said city,

SEC. 57. *Be it further enacted*, That said mayor and aldermen shall have power to license, restrain, and prohibit the retailing of spirituous, vinous, and malt liquors within said city: *Provided*, Such persons as they may see fit to license shall have first obtained a license from the county court, and they may provide for annulling said license on complaint and proof of the abuse thereof.

Power over retailing of spirits.

SEC. 58. *Be it further enacted*, That said mayor and aldermen shall have power to establish and regulate markets and market houses, to rent stalls, and prevent the sale of meat, fish, poultry and game, or other articles usually sold in market houses, except at the public market place during such hours as may be fixed for market hours, and to prevent and punish free stalling.

Markets and market houses.

SEC. 59. *Be it further enacted*, That said corporate authorities shall have power to repair streets, drains, and landings, and to pass laws for keeping them in repair; also to widen, change, or make of uniform width, any streets now open, and to open new streets in said city; and to remove, and prohibit encroachments on streets now opened, and the statute of limitations shall not prevail in any plea of adverse possession, when encroachments have or may hereafter be made.

Streets, drains and landings.

SEC. 60. *Be it further enacted*, That in opening of any new street, or changing any street now open as laid down in the plan of said city, the said mayor and aldermen shall be controlled and governed by sections 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, and 1713, of part 2, title 2, chapter 2, of the Revised Code of Alabama, so far as they can be made applicable to such cases; and the said

How controlled in regard to new streets.

mayor and aldermen shall be entitled for said city to all the rights and privileges, granted in said sections to private corporations.

Fire wards and
fire companies

SEC. 61. *Be it further enacted*, That said mayor and aldermen shall have power to establish and regulate fire wards and fire companies, and to require owners of houses to keep ladders and fire buckets, to provide by ordinance or by law for the extinguishment of fire by pulling down houses, buildings and fences, to stop the progress of the same.

SEC. 62. *Be it further enacted*, That said mayor and aldermen shall have power to provide said city with a full supply of water, and for this purpose may dig wells and cisterns, build aqueducts, or erect and construct water works, or by such other means as they may deem best, so as to promote the health, cleanliness and safety of said city, and to preserve the houses and property of the inhabitants from destruction by fire.

Gas works.

SEC. 63. *Be it further enacted*, That said mayor and aldermen shall have power and authority to establish and erect gas works, for lighting said city with gas, and for this purpose, and also for the purpose of erecting and constructing water works, may contract for, hold, use and take the right of way over, through, or upon any lands necessary, and if said corporate authorities cannot agree with the owners of said lands, as to their purchase, then said corporate authorities shall be entitled to all the benefits, rights and powers of "an act to prescribe the mode of taking private property for railroads, or other purposes for public use, approved February 1st, 1870," or if said corporate authorities deem it advisable they shall have power and authority to contract with any person or association of persons, or corporation, to light said city with gas, and supply said city with water. They shall also have full power to regulate all matters connected with said gas works and water works, by them established, and to fix the price at which gas and water shall be supplied to the inhabitants.

"Fire limits."

SEC. 64. *Be it further enacted*, That said mayor and aldermen shall have power to establish certain limits in said city known as "fire limits," and to

prohibit and prevent the erection or construction therein of all kinds of wooden or other buildings or structures, except those erected or built of stone, brick, or safe and fire proof building materials, and the same shall be covered with slate, or metal or other fire proof roofing material; and shall have power to fix and prescribe such fines and penalties as they may deem proper to carry into effect the power conferred in this section, and to collect the same as other fines and penalties.

SEC. 65. *Be it further enacted*, That the mayor and aldermen shall have power to remove all unsafe buildings, dangerous to the persons or property of the citizens, and also all wooden buildings liable to endanger the property of others by fire, from that portion of the city known as "fire limits," and in which wooden and unsafe building are forbidden to be erected, when in their judgment they deem it best for the interests of said city; *Provided*, just and reasonable compensation is made the owner of said building for all actual damages he may sustain.

Unsafe build-
ings.

SEC. 66. *Be it further enacted*, That the mayor and aldermen shall have power to regulate, restrain and prohibit the storage of cotton, powder, gun cotton, kerosene oil, and all explosive oils, nitroglycerine, shucks and hay, or any other combustible article, in greater quantities than is necessary for a retail trade, within certain limits in said city, to be by them fixed by ordinance, and the fine for a violation of said ordinance shall be fifty dollars.

Storage of cot-
ton, powder,
etc.

SEC. 67. *Be it further enacted*, That the mayor and aldermen shall have power to license and regulate pawnbrokers, auctioneers, commission merchants, eating houses, restaurants, livery and sale stables, billiard rooms and tables; also to license and regulate hacks, carriages, wagons, drays, carts and horses running for hire, within the corporate limits; also to license lager beer saloons, lotteries, raffles and theatres; and also to license bakers, and regulate the weight and price of bread.

Licenses.

SEC. 68. *Be it further enacted*, That the mayor and aldermen shall have power to cause all vagrants, idle, disorderly, or dangerous and suspicious persons, all persons of evil life or ill fame, and all such

Power over va-
grants.

as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging, or drunk in or about the streets or about tippling houses, and who have no visible or honest employment or business in the city, all who have no fixed place of residence or cannot give a good account of themselves, all who are grossly indecent in language or behavior publicly, and all prostitutes who lead a notoriously lewd or lascivious course of life, to give bond and good security for their good behavior for a reasonable time, and in case of their inability or refusal to give such security, to cause them to be punished by fine, imprisonment or hard labor for the city for a term to be fixed by ordinance of said board of mayor and aldermen.

SEC. 69. *Be it further enacted*, That said mayor and aldermen shall have power to regulate, restrain and license transient merchants or dealers, peddlers, venders of patent medicines, paints, soaps, and other articles of merchandise; and such persons shall in all cases pay for said license before offering to sell or vend any of their goods, wares or merchandise within said city, to the tax collector thereof, who will issue said license. They have also authority to revoke and cancel all of said licenses for cause.

SEC. 70. *Be it further enacted*, That said mayor and aldermen shall have full authority and control over any graveyard, or burial ground, used by said city; to regulate, improve and enlarge the same by purchase or otherwise, to regulate interments therein, and appoint a sexton therefor.

SEC. 71. *Be it further enacted*, That the mayor and aldermen of said city of Tuskaloosa, and other officers thereof, shall remain in office unless removed, until the next annual election for mayor and aldermen, and until their successors are qualified; but the board may at any time repeal, alter, or amend the ordinances creating or employing said officers, or regulating their duties, or compensation, and may fill all vacancies; the mayor and aldermen may require any or all of their officers to give bond with good security, to be approved by the board,

Other licenses.

Graveyards.

Term of office of mayor and aldermen.

Board may repeal or alter the ordinances.

before entering upon the discharge of their duties; the conditions of said bond shall be to faithfully discharge all the duties of their respective offices; suit may be instituted and recovery had on said bonds before any court having jurisdiction, in the name of the mayor and aldermen, for the use of said city, or the person injured by any breach of the conditions of said bond, and said bond shall remain good for any future breaches of its conditions; the mayor and aldermen may provide summary remedies by motion or otherwise, before the mayor, against the officers of the corporation and their sureties, for any official default or neglect.

SEC. 72. *Be it further enacted,* That hereafter in all cases of default in the payment or securing the payment of any fine or forfeiture assessed against any person, and judgment rendered by any authority of the city of Tuscaloosa, or by notice of any by-law or ordinance of said city, the mayor, or other officer presiding, shall have the right and power to require the party thus being in default to labor on the public streets, or such other works of said city as the mayor or officer presiding may direct, for a time not exceeding sixty days, at the discretion of the mayor or officer presiding at such trial, or the party may be committed to the guard house or county jail of the county for a period not exceeding sixty (60) days.

In case of default as to fines and forfeitures

SEC. 73. *Be it further enacted,* That the mayor of said city has authority and power to issue his warrant or summons for the recovery of all fines, forfeitures, assessments and other causes of action accruing under this act, or under the by-laws or ordinances of said corporation, either in their breach or for a non-compliance therewith, and to render judgment and issue executions thereon, and the marshal of the corporation, or other officer to be appointed by the mayor and aldermen, is hereby authorized to execute, within said corporation, all powers directed to him from said mayor or mayor and aldermen.

Warrant for fines, forfeiture, etc.

SEC. 74. *Be it further enacted,* That the marshal of said corporation, in addition to other powers, has full authority to execute all the lawful ordinances,

Authority of marshal.

resolutions, by-laws, and orders of the corporate authorities within their jurisdiction, and must, without warrant, arrest all offenders breaking the peace, or violating any ordinance of the city, and bring them before the mayor, and in order to the execution of his power and duties, he may summon to his aid as many of the male inhabitants residing in the corporation as may be necessary. He shall also have within the corporate limits of said city and within one mile thereof all the authority and power to execute process, serve writs and subpoenas, and collect executions issued by any lawful officer of said county, as any constable of the county of Tuscaloosa.

Public scales. SEC. 75. *Be it further enacted*, That the mayor and aldermen shall have power to erect public scale houses with proper scales, weights and measures, and to appoint weighers and measurers to weigh coal, iron, hay, fodder and corn, and to measure wood and other articles sold to the public.

Register of votes SEC. 76. *Be it further enacted*, That the city clerk or secretary, or officer performing the duties of clerk, shall be required to keep a register, in which all persons legally qualified to vote in said city shall be required to have their names registered before they shall be allowed to vote at any election, or for any officer of said city. The said register is to be open forty days previous to any election, and closed three days before the polls are opened for such an election. The qualifications for registration and voting shall be regulated by the following conditions: Upon the application in person of any person entitled to vote by the charter of said city, as aforesaid, within the time prescribed for the register to be kept open, giving name age, business or profession of such applicant for registration, and giving the ward in which he resides, and the time of his residence in the State, city and ward. It shall be the duty of said clerk or registering officer to register the said applicant if a qualified voter, which may be proved by the oath of the applicant, administered by the person registering.

SEC. 77. *Be it further enacted*, That the mayor and aldermen shall, by ordinance, provide for the punishment of all illegal voting at any election held in said corporation, and the fine therefor shall not be less than twenty-five dollars.

Punishment
for illegal vo-
ting.

SEC. 78. *Be it further enacted*, That all acts and parts of acts contravening the provisions of this act, and especially "an act to incorporate the city of Tuscaloosa, approved January 9, 1836," and "an act to amend the charter of the city of Tuscaloosa, approved February 8, 1843," and "an act to confer certain powers on the mayor of the city of Tuscaloosa, approved 14th February, 1843," and "an act to amend the charter of the city of Tuscaloosa, approved 19th January, 1854," and the 12th section of "an act to provide for the registration of electors, session acts 1868, page 205, approved October 5, 1868," so far as it applies to the city of Tuscaloosa, be and the same are hereby repealed; *Provided, however*, And it is expressly hereby declared that all rights, privileges and immunities heretofore and now possessed and enjoyed by the mayor and aldermen of the city of Tuscaloosa of their official capacity, whether in property, real, personal or mixed, or any other kind or description whatsoever, shall remain in the present mayor and aldermen of the city of Tuscaloosa, and their successors in office, for the benefit of the inhabitants thereof, and all officers of the city now in office shall remain therein, subject to the provisions of this charter until the next election provided for herein; and if there should be any office vacant, or any new office created by this charter then said board of mayor and aldermen shall at once appoint some one to said office who is eligible under this charter, and all suits or actions now commenced or pending, either in behalf of the mayor and aldermen, or against them, shall be prosecuted and proceeded with to final decision, in the same manner as if this act had never passed, and all the by-laws and ordinances now in force, not inconsistent with this act, as adopted and passed by the mayor and aldermen of said city, shall be and remain in force until altered or repealed.

Certain acts
repealed.

Proviso.

Power to issue
bonds.

SEC. 79. *Be it further enacted*, That said mayor and aldermen shall have power and authority to issue bonds of said city of Tuscaloosa, not to exceed forty thousand dollars, of which not more than twenty thousand shall be used for erecting and constructing water works for said city, and not more than twenty thousand for erecting and constructing gas works for said city, said bonds to bear interest at a rate not exceeding ten per cent. with coupons attached, payable to bearer annually at the city treasury, and to be receivable for city taxes from the holder or any transferee. In the event that any of said bonds shall bear ten per cent interest, they shall not be sold or disposed of for less than their par value.

Denomination
of said bonds.

SEC. 80. *Be it further enacted*, That said bonds may be issued in sums of one hundred dollars, or any multiple thereof, not greater than one thousand dollars. They shall be signed by the mayor and countersigned by the secretary of said city, and have the county seal attached to each. The coupons shall be signed and numbered by the city secretary, who shall keep a correct account of all bonds issued and disposed of under this act. Said bonds shall be made payable at such times as the mayor and aldermen may agree on, not exceeding thirty years from the date of their issuance; may be transferred by delivery as negotiable paper, and shall be redeemable at the city treasury on maturity.

SEC. 81. *Be it further enacted*, That said bonds shall be exempt from the tax required by law on seals, and from all State and county taxes for the period of twelve months after they mature or fall due, but no longer.

Approved March 12, 1873.

No. 298.]

AN ACT

Supplementary to an act to incorporate the city of
Tuscumbia, approved December 14, 1865.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in addition to the powers granted in the above recited act, the mayor and aldermen of the city of Tuscumbia shall have and there is hereby conferred upon them the power to regulate and license all hotels, taverns boarding houses, restaurants and eating houses; to license and regulate hacks, wagons, omnibusses, carriages, buggies, and other vehicles kept for hire in the corporate limits of said city; to fix and assess, by way of license, such tax on such hotels, taverns, boarding houses, restaurants, eating houses, hacks, wagons, omnibusses, carriages, buggies, and other vehicles kept for hire in the corporate limits of said city, as to the said mayor and aldermen may seem right and proper, and to fix such fine as they may deem proper to a violation of the ordinances of said city in regard thereto, not inconsistent with the constitution and laws of this State.

SEC. 2. *Be it further enacted,* That in all cases where a fine is assessed against any person by the mayor of Tuscumbia, and the party against whom the fine is assessed fails to pay the fine and costs, it shall be lawful for the mayor, and he is hereby authorized and empowered, to put such party to hard labor on the streets of said city, under the charge of the constable of said city, for such number of days as he may see proper, not exceeding one day for every seventy-five cents of such fine and costs, and said mayor may confine such party in the city jail at nights to prevent the escape of such party until the fine and costs are paid.

Approved, March 20, 1873.

No. 299.]

AN ACT

To incorporate the town of Tuskegee, in the county of Macon, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Tuskegee, in the county of Macon, be and the same is hereby incor-

Corporate limits. incorporated; and the corporate limits of said town shall embrace an area of land two and one-half miles square, the boundary lines of which shall be equidistant east, west, north and south from the centre of the present court house of said county; and the present and future inhabitants of said town of Tuskegee, as by this act incorporated, shall be and they are by this act made and constituted a body corporate and politic under the name and style of "The Town of Tuskegee," under and by which name and style, and acting by and under the proper officers of said incorporation, to be hereinafter designated, all the corporate powers and privileges of said town, by this act granted, shall be executed and carried into effect, and under the corporate name aforesaid, the said town incorporation shall sue and be sued, and plead and be impleaded, answer and be answered, in all manner of suits, either in law or equity; may keep a common seal; and the same may break alter or amend at pleasure; may purchase, receive, hold and sell, grant a lien, and assure or let real and personal property to the amount of twenty thousand dollars.

Town government. SEC. 2. *Be it further enacted,* That the government of said town shall be styled "The Town Council of Tuskegee," and shall consist of a mayor and four councilmen, inhabitants of said town, who shall serve for the term of one year, and until their successors shall be duly elected and qualified, each to be elected by the legal voters of said town, who shall consist of all male persons at the age of twenty-one years and upwards, who have resided within the limits of said town for the space of three months next preceding the election at which they propose to vote.

Qualified voters. Eligibility for office. SEC. 3. *Be it further enacted,* That no person shall be eligible to the office of mayor or councilmen who shall not have been a resident of said town for the space of twelve months next preceding the date of election or appointment, and who shall not be at date of said election or appointment the owner of real estate situated in said town to the amount of two hundred and fifty dollars in value.

SEC. 4. *Be it further enacted,* That the qualifications of the mayor shall be determined by a majority of the council, and of each councilman by the majority of the mayor and other councilmen, and each of them, and also the marshal, clerk and other officers, hereinafter provided for, shall, in addition to the oath prescribed for public officers, before entering upon their respective offices, take and subscribe the following oath, to-wit:

“I, A. B., (as the case may be,) mayor, councilmen, (or other officer,) do solemnly swear (or affirm) that I will, to the best of my skill and ability, discharge all the duties incumbent on me, so help me God.”

Additional oath

Certificate of which oath to be made by the officer administering the same, shall be filed with the records of the town council.

SEC. 5. *Be it further enacted,* That all elections for mayor and councilmen of said town shall take place on the first Monday of March in each year; but should an election not take place at the time designated, the corporation shall not for that cause be dissolved, but the mayor and councilmen shall remain in office until their successors are elected and qualified, and shall proceed to appoint some other day as near as may be, not exceeding thirty days, on which such election shall be held.

Annual elections.

SEC. 6. *Be it further enacted,* That all elections for mayor and councilmen shall be held and supervised by two citizens of said town, to be appointed by the mayor and councilmen, and at such election the marshal shall reserve, order and act as returning officer, and the mayor and councilmen shall judge of the legality of such elections, declare who has been elected, and in all cases of a tie between two or more persons, shall determine which of said persons shall be mayor or councilman, as the case may be, only those members voting who are not interested in the result, and the oath of office herein prescribed shall be administered by the retiring mayor, or in case of his re-election, by some one of the former board of councilmen.

Supervisors of elections.

Judges of election.

Vacancies: no. filled. SEC. 7. *Be it further enacted*, That should a vacancy occur at any time in the office of mayor or councilmen during the term for which the mayor and councilmen may have been elected, by death, resignation, absence from the board for three months, or from any other cause, such vacancy shall be filled by appointment by the remaining members of the board.

SEC. 8. *Be it further enacted*, That for the transaction of any business other than is hereinafter especially provided for, a majority of the board of mayor and councilmen shall be necessary, but a less number may make adjournment from time to time, and the board may, by its by-laws, compel the attendance of its members by a reasonable fine.

subordinate officers. SEC. 9. *Be it further enacted*, That the board of mayor and councilmen of said town shall have power, first, to appoint a clerk, treasurer, marshal and such other officers as they may deem necessary, removable at the pleasure of the board; to prescribe the duties and to require of them bonds with security in such amount as they may deem necessary for the faithful discharge of their duties, and to impose fines upon them for neglect or violation of duty, not to exceed in any case the sum of fifty dollars in amount for a single offense; second, to determine and fix the salary of the mayor and other officers; third, to enact such laws, by-laws and ordinances as may be necessary and proper to carry out and enforce the powers in this charter granted, and for their own government, not contrary to the laws of the State, or to the restrictions imposed by this act; fourth, to impose taxes upon real and personal property, and provide for the collection of the same; *Provided*, The tax imposed upon any species of property shall in no case exceed three-fourths of one per cent. of true value in any one year; fifth, to prevent nuisances and to remove the same at the cost of the person on whose premises they may be found, or who may have caused them; sixth, to license, tax, restrain and regulate balls and dances for pay, circuses, menageries, theatrical and other shows and exhibitions, concerts, lectures and other amusements for pay, except concerts and lectures for charitable purposes:

Power to fix salaries.
Power to pass ordinances.
Power to levy taxes.
Power as to nuisances, etc.
Licenses.

seventh, to prohibit and restrain all disorderly conduct, all gaming houses, houses of ill fame, racing, prize fighting and cock fighting within the limits of said town; eighth, to prevent and punish all breaches of the peace, disorderly or riotous conduct, drunkenness, vagrancy, assaults and battery and unlawful assemblies, and to disperse the same; ninth, to establish and regulate markets, to build market houses and manage the same, to prohibit the selling of fresh meats, fish, vegetables and other articles usually kept in town markets, except at the town market house, during market hours; to sink, keep in repair and control public wells and reservoirs, and make all needful provisions for supplying in said town with wholesome water; to keep in repair all sidewalks, alleys and streets; to open the same where they may be closed, and at all times to keep the streets and sidewalks free from obstructions; to widen and improve streets, alleys and sidewalks now existing, and to establish, ascertain and open new ones, and to build and make bridges and drains, and to adopt measures to prevent and regulate the same; tenth, to license, under such restrictions as they may deem proper, carts, wagons, drays and carriages running for hire within the corporate limits; eleventh, to tax and license bar-rooms, drinking saloons, billiard saloons and bowling alleys, upon such conditions and under such restrictions as may be necessary for the proper regulation of the same; twelfth, to license and tax hotels, restaurants, stores or shops for the sale of any kind of goods or merchandise, or for the sale of paints, oils, drugs and medicines, confectioneries, provisions, fruit, bread and the like, and to tax, license and regulate itinerant and transient merchants and dealers; thirteenth, to tax and license peddlers, hawkers and medicine venders, insurance and real estate agents, cotton brokers and other agents, banks and bankers, auctioneers, commission merchants and undertakers; to license and tax livery and sale stables, marble and wood and lumber yards, wood cabinet shops, blacksmith and shoe shops and barber shops; fourteenth, to tax and regulate auction sales, except sales by State and

county officers, administrators and guardians, and to compel auctioneers to make returns under oath of the gross amount of their sales; *Provided*, That in no case shall the tax on each sale exceed one per cent. of the gross amount; fifteenth, to pass and enforce all ordinances deemed necessary and proper to prevent the introduction of infectious and contagious diseases within said town, and to preserve the health of the inhabitants of the same; sixteenth, to prevent and punish all violations of the Sabbath, to prevent and punish any disturbance of or interference with the worship of Almighty God; to prevent and punish any disturbance or interference with any lawful assemblage of the citizens of said town; to prevent and punish any indecent exposure of the person, profane or obscene language or exhibitions, and anything else pernicious to the morals and good order of society; seventeenth, to prevent stock of any kind from running at large within the limits of said town; eighteenth, to prevent and punish malicious and wilful mischief to houses, fences, ornamental paints and shade trees, signs, signposts, tombs, monuments, or any other kind or description of property whatever; to have control of the public cemetery, and, if necessary, to elect a sexton for the same, and fix the amount of his salary; nineteenth, to fix the tax on all licenses issued under authority of this act, and to enforce the collection of the same, by penalty, within the restrictions hereinafter imposed, or by execution against the property of the person failing or refusing to pay said tax, as the board may deem best; twentieth, to punish, by fine not exceeding twenty dollars, or by imprisonment or hard labor on the streets and other public works, not exceeding ten days, all violations of the law, by-laws and ordinances passed by authority of this act, and all fines and costs imposed under the clause, may be collected by execution issued by the mayor or any councilman of said town, or their non-payment punished by imprisonment or hard labor as aforesaid, at the rate of one day's imprisonment or labor for each dollar of the fine and cost assessed against the party; twenty-first, to punish by fine not exceeding five

dollars, or imprisonment not exceeding twenty-four hours, or both, for each offense, all contempts of the board of mayor and councilmen, or any one of them, while engaged in the discharge of duties imposed by this act; twenty-second, to impose and collect cost and charges against offenders; *Provided*, That in no case shall the costs exceed in amount the costs allowed by law to justices of the peace and constables in similar cases; twenty-third, and to pass and enforce any and all laws, by-laws and ordinances necessary and proper to carry out the provisions of this charter, and to execute the powers herein conferred and for all purposes contemplated by this act, and in the execution of all laws, by-laws and ordinances passed in compliance therewith, the mayor of said town shall be and is hereby constituted *ex officio* justice of the peace.

Judicial powers of mayor.

SEC. 10. *Be it further enacted*, That in all cases where any person shall be convicted of a violation of any law, by-law or ordinance of the town council, and imprisonment is imposed as a punishment for the same, or where any person is ordered to be imprisoned for a contempt of the mayor and council, or for a contempt of the mayor sitting for the trial of offenses, or of a councilman sitting in his stead, such person may be committed to the county jail for the period designated in the sentence, and the jailer of the county is hereby authorized and required to receive such prisoner and him safely keep until the expiration of such period of imprisonment; *Provided*, That the order of committal shall in every case specify the offense for which he is committed, and the length of time for which he is imprisoned; *And provided, further*, That the corporation shall pay the jail fees in all cases when they cannot be collected of the offender, which fees shall be the same as are allowed by law in other cases.

Power to commit to jail.

SEC. 11. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the board of mayor and councilmen, and to preserve order and decorum at the same, and he may call special meetings of the board whenever in his opinion it may be necessary, and in his absence any two councilmen may call a meeting, and any councilman

Mayor must preside.

Office of mayor

may, in the absence of the mayor, be called to pre-
side at any meeting. He shall keep an office in
said town open at prescribed hours every day, to at-
tend to, hear and determine all cases of the breach
or violation of the laws and ordinances, and in his
absence or at his request, one of the councilmen
shall attend in his stead to perform said duties, and
no councilman shall have power or authority to
hear and determine cases except in the absence or
at the request of the mayor.

Power and
duty of mar-
shal.

SEC. 12. *Be it further enacted,* That the marshal
of town shall have authority and it shall be his duty
to execute the laws, by-laws and ordinances of the
town council, to arrest without warrant all offenders
against the peace and good order of the town
and all violations of its laws and ordinances, and
carry them before the mayor or a councilman sitting
in his stead, or confine them in the guard house or
county jail until they can be brought before the
proper authority, and if necessary he may call to
his assistance any of the citizens of said town to
enable him to make the arrest, and any person refus-
ing or neglecting to assist him when so called upon
shall be fined not exceeding ten dollars or imprison-
ed not exceeding ten hours, and in the absence of
the marshal, the deputy marshal if there be one or
a policeman shall perform the duties and be entitled
to the privileges conferred by this section.

Annual assess-
ment.

SEC. 13. *Be it further enacted,* That an assess-
ment of all the property in said town subject to tax-
ation shall be made annually naming the owners of
the property if known, or otherwise assessing it to
owners not known, and upon failure or refusal of
any person to give in his or her property, for the
period of thirty days from the opening of books of
assessment, ten days previous notice having been
given by the officer appointed by the board of mayor
and councilmen to make said assessment, by publi-
cation in a newspaper published in said town or by
posting in three public places in said town, of the
place where, and the time when said books of assess-
ment will be opened, the assessors must proceed to
assess such property from the first knowledge he
can obtain. The assessment when completed, must

be returned to the board who shall cause ten days notice to be given by publication in a newspaper published in said town, or by posting in three public places, of the time and place when the board or a committee of its members appointed by the mayor shall hear complaints and correct errors and mistakes when any citizen who shall consider himself assessed in too great an amount may make complaint thereof, demand an investigation and cause witnesses to be examined in his or her behalf; complaints having been heard and all mistakes corrected, the assessment shall be marked "approved" by the mayor or the committee and delivered to the person appointed to collect the taxes. The assessment so approved shall have the force and effect of a judgment and execution at law, and the collector, on failure of any person to pay the sum assessed to him or her, may proceed after the expiration of sixty days from the date of the approval of the assessment, to levy upon and sell the property, or a sufficient amount thereof, if such delinquent to pay said taxes and all reasonable cost which may have accrued, and if the property is assessed to a person unknown, may proceed to levy upon and sell the same. All sales of personal property under this section must be advertised ten days in a newspaper published in said town or by posting in a public place in said town, and all sales of real estate must be advertised or posted for thirty days. The advertisement herein provided for must contain a description of the property to be sold and the name of the owner, if known, and the amount of the taxes for which it is sold, including the costs of sale and advertising. All sales of property under this act must be held in the town of Tuskegee, before the court house of Macon county, between the hours of twelve m. and four p m. and continue from day to day until the sale is completed. The person appointed to collect the taxes and make the sales herein provided for shall give to the purchaser of real estate a certificate in form similar to those given by the State and county tax collector, and which shall have the same effect, and the said collector may, in case no person shall bid for such real estate an amount sufficient to

pay said taxes and costs, bid off said property in the name of the town of Tuskegee, and make a certificate of purchase to the town of Tuskegee and deliver the same to the mayor on his final settlement, which said certificate shall be governed by the same laws as if it had been given to a private individual. All real estate sold under this act may be redeemed at any time within two years from day of sale, by the payment to the purchaser thereof of the amount of such purchase money, together with interest on the same at the rate of ten per cent. from day of sale and all taxes and costs which may have accrued thereon, or if the purchaser does not reside in said town, then into the town treasury for the benefit of the purchaser. Infants, married women and lunatics shall be allowed two years from removal of their respective disabilities to comply with the requirements herein specified.

Street duty.

SEC. 14. *Be it further enacted*, That every male resident of said town between the ages of eighteen and forty-five years shall be liable and may be required to work on the streets and alleys of said town not exceeding ten days in any one year, and on failure or refusal to perform such work when required may be punished in such manner within the restrictions of this act, as the town council may determine; *Provided*, That at least three days notice shall be given of the time when such work shall be required to be performed; *And provided further*, That all such persons be exempt from such work on payment of such street tax as the town council may impose, not exceeding three dollars in any one year.

Exempt by paying street tax.

Exempt from road duty.

SEC. 15. *Be it further enacted*, That all persons residing within the limits of said town shall be exempt from work on the public roads outside of said limits.

Record of acts, etc., to be kept

SEC. 16. *Be it further enacted*, That the board of mayor and councilmen shall cause to be kept, a full and fair record of all acts, ordinances and proceedings of said board, a docket of all cases tried before the mayor or any councilman acting in his stead, with the judgment rendered therein, a regular and complete account of all receipts and expenditures of money collected and disbursed by authority of this

act, and shall from time to time, and at least once in each year cause to be published in a newspaper published in said town, a full statement of all such receipts and expenditures, and of the condition of the finance of the town, and every citizen of said town shall at all times have free access to and the right to inspect any and all the records of said board.

SEC. 17. *Be it further enacted*, That the present intendant and councilmen shall continue to hold their offices and perform the duties of the same until the next regular election on the first Monday in March next, and all their acts done, and all laws, by-laws and ordinances passed by them prior to the passage of this act are hereby ratified and confirmed. Term of office.

SEC. 18. *Be it further enacted*, That this charter shall go into effect from and after its approval. Act in force at once.

SEC. 19. *Be it further enacted*, That all laws and parts of laws heretofore passed for the incorporation of the town of Tuskegee, or relating to the government of the same, are hereby repealed.

Approved March 15, 1873.

No. 300.]

AN ACT

To amend sections 13, 14, and 15 of an act entitled an act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 13, 14, and 15 of an act entitled an act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1870, which are in words and figures, as follows :

Section 13. *Be it further enacted*, That said town council shall have power to cause, between the first day of February and the first day of March, or as soon thereafter as possible, an assessment to be made every year by the clerk or deputy of the same, to whom it shall be the duty of every person liable to tax within said town, to report and declare under Recitation of section 13.

oath, or by affirmation, every item of property, occupation or business subject to tax, in which he or she is interested, together with its par valuation, or a statement on the first of February, in the same manner and with the same restrictions as apply to the regular county and State assessments of the State; and if any person refuses to give in his or her assessments, or in the judgment of the clerk or deputy, places an unfair valuation or statement of property, or business return, it shall be the duty of said clerk or deputy to assess the same at what he believes to be its true value or fair statement, and likewise to assess all property where owner or owners are unknown. In the case of real estate, the said town council shall elect three discreet freeholders, residents of said town, who shall constitute a board of assessors, any two of whom may act, and who, between the first day of February and the first day of March, or as soon thereafter as practicable, shall examine all real estate situated within said town, and assess the cash valuation thereof on the first day of March, together with the names of the owners of the real estate so assessed. The board of assessors, before beginning the assessment, shall take and subscribe before the mayor the following affidavit, to-wit: We _____, solemnly swear to discharge, to the best of our ability, without fear or favor, the duties of assessors of real estate within the town of Union Springs, for the year —, and that we will make a fair, equal and impartial valuation of said real estate and a faithful return thereof. The compensation to be allowed the assessors shall be determined by the town council at the time of electing the same in each year. Upon the return by the clerk or deputy, and by the board of assessors of the assessment hereinbefore provided for, one and all to the town council, the mayor shall cause at least ten days' notice to be given by advertising in some newspaper published in said town, or by posting written notices in three conspicuous places in said town, that the assessment for the current year is done, and shall, in said notice, appoint the time when the council will proceed to hear and determine upon all complaints which may be made against such assessment, and it shall be the

duty of the said council to correct errors and supply omissions and deficiencies, and when the same has been passed upon by said council and certified by the mayor, the said assessment shall have the force and effect of a judgment at law, and may be collected by levy and sale, and all sales of property made under and by virtue of such assessment, shall convey to the purchaser the same title as if sold by execution from the circuit court, and the clerk of said town shall, in case of sale of real estate, give the purchaser a certificate of purchase, which shall vest in the purchaser the same interest that was held by the person against whom such tax was assessed at the time of such assessment, and when the owner is unknown, the entire equitable and legal interest in such real estate discharged of all liens; *Provided*, That when a tax is assessed upon property, the owners of which are unknown, sixty days' notice of sale, specifying the property and tax, shall be given in some newspaper published in said town, or by posting written notices in three conspicuous places in said town, at the expense of said property; *And provided further*, That the owner of any real estate sold for taxes shall have the right to redeem the same by paying to the clerk of said town, for the party interested, the amount of the purchase money with interest thereon, at the rate of twenty-five per cent. per annum from the date of sale, the cost of the certificate of purchase, all taxes which have accrued thereon, subsequently to the sale, together with all costs and charges, any time before the expiration of two years from the date of sale, but the provisions of the Code of Alabama, in favor of infants or lunatics in this respect, will apply to their benefit as for common taxes.

Section 14. Be it further enacted, That the taxes on real estate and personal property shall be collected annually, and be due on the first day of June in each year; the taxes on salaries and incomes shall be collected annually and be due on the first day of December in each year, and taxes on merchandise sales shall be collected quarterly on the first days of March, June, September and December, of every year.

* Recitation of section 14.

Recitation of
section 15.

Section 15. Be it further enacted, That the taxes on real estate and personal property, and all other taxes and dues assessed by the mayor and council of said town, shall have the force and effect of a judgment at law, as hereinbefore provided against the individual assessed with the same, and a lien on the property so assessed. It shall be the duty of the clerk, after giving ten days' notice in some newspaper published in said town, that the town taxes (or particular tax or due, as the case may be,) are required to be paid to him on or before a certain day specified ; if the same shall not be paid, to levy on the personal property or real estate, as the case may be, of the individual or corporation assessed, and sell the same, or so much thereof as may be sufficient to pay the taxes assessed, and one dollar and reasonable commissions to the clerk for making the levy and sale, be and the same are hereby amended to read as follows :

Amended sec-
tion 13.

Section 13. Be it further enacted, That said town council shall have power to cause, between the first day of February and the first day of March, or as soon thereafter as practicable, an assessment to be made every year by the clerk of said town, or the deputy of the same, to whom it shall be the duty of every person liable to tax within said town, to report and declare under oath or by affirmation every item of property, real and personal, occupation of business subject to tax, in which he or she is interested, together with its fair valuation, or a statement on the first of February, in the same manner and with the same restrictions as apply to the regular county and State assessments of the State, and if any person refuses to give in his or her assessment, or in the judgment of the clerk or deputy, places an unfair valuation on any item of property or business, it shall be the duty of said clerk or deputy to assess the same at what he believes to be its true value, and likewise to assess all property whose owner or owners are unknown. Upon the return by the clerk or his deputy, of the assessment hereinbefore provided for, to the town council, the mayor shall cause at least ten days' notice to be given by advertising in some newspaper published in said town, or by

posting written notices in three conspicuous places in said town; that the assessment for the current year is done, and shall, in said notice, appoint the time when the council will proceed to hear and determine upon all complaints which may be made against such assessments, and it shall be the duty of said council to correct errors and supply omissions and deficiencies; and should said council deem that an insufficient valuation has been placed upon any property, it may, at the instance of any member thereof, cause the person or persons to whom such property is assessed, to appear before some future meeting of said council, to show cause why a higher valuation should not be placed upon such property, and upon the default of appearance of such person or persons, or should the said council deem the cause shown by them insufficient, the said council may proceed to assess such property at what shall seem to them its fair valuation, and when said assessments made by said clerk or his deputy have been passed upon by said council and certified by the mayor, the said assessments shall have the force and effect of a judgment at law, and may be collected by levy and sale, and all sales of property made under and by virtue of such assessment, shall convey to the purchaser the same title as if sold by execution from the circuit court, and the clerk of said town shall, in case of sale of real estate, give the purchaser a certificate of purchase, which shall vest in the purchaser the same interest that was held by the person against whom such tax was assessed at the time of such assessment, and where the owner is unknown, the entire equitable and legal interest in such real estate, discharged of all liens, and which certificate shall be received in the courts of the State as conclusive evidence that all things required by law to be done in the assessment, levy upon and sale of such property, were legally and rightfully done, and that all notices required to be given were given in accordance with law; *Provided*, That when a tax is assessed upon property, the owners of which are unknown, sixty days' notice of sale, in other cases, three weeks' notice of sale, specifying the property and tax, shall be given in some newspaper published

in said town, or by posting written notices in three conspicuous places in said town, at the expense of said property; *And provided further*, That the owner of any real estate sold for taxes shall have the right to redeem the same by paying to the clerk of said town, for the party interested, the amount of the purchase money with interest thereon, at the rate of twenty-five per cent. per annum from the date of sale, the cost of the certificate of purchase, all taxes which accrued thereon, subsequently to the sale, together with all costs and charges, any time before the expiration of two years from the date of sale, but the provisions of the Code of Alabama in favor of infants and lunatics in this respect, will apply for their benefit as common taxes.

Amended section 14.

Section 14. Be it further enacted, That the taxes on real estate and personal property, incomes and salaries shall be collected annually, and shall be due on the first day of September in each year, and taxes on merchandise sales shall be collected quarterly, and shall be due on the first days of March, June, September, and December of every year.

Amended section 15.

Section 15. Be it further enacted, That the taxes on real estate and personal property, and all other taxes and dues assessed by the mayor and council of said town shall have the force and effect of a judgment at law as hereinbefore provided, against the individual assessed with the same, and lien on the property so assessed. It shall be the duty of the clerk, after giving ten days' notice in some newspaper published in said town, or by posting written notices in three conspicuous places in said town, that the town taxes (or particular tax or due, as the case may be,) are required to be paid to him on or before a certain day specified, if the same should not be paid, to issue and place in the hands of the marshal of said town an execution against such defaulter, and where property is assessed to owner unknown, against the property itself, directing him to levy on the real estate or personal property of the individual or corporation assessed, and where assessed to owner unknown on the property itself, and after giving the notice hereinbefore provided for, sell the same, or so much thereof as may be neces-

sary to pay the taxes assessed and the cost thereon, and one dollar to the clerk for making the certificate hereinbefore provided for, and the same fees to the marshal for making the levy and sale that are allowed to tax collectors under the laws of this State, not to exceed one dollar and twenty-five cents on each execution, and at such sale said town council may purchase any property sold thereat, and by such purchase shall acquire the same title that is vested in other purchasers by the provisions hereinbefore set forth.

Approved April 12, 1873.

No. 301.] AN ACT

To incorporate the town of Wheeler in Lawrence county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Wheeler in the county of Lawrence, be and the same is hereby incorporated, and the corporate limits of said town shall extend one half mile in every direction from the railroad depot at said town of Wheeler. Corporate limits.

SEC. 2. *Be it further enacted*, That there shall be a mayor and five councilmen of said town; that until the first election as hereinafter provided, Robt. M. Clark shall be mayor and J. Judson Barclay, Joseph Wheeler, T. A. Tatham, T. W. Speaks and Thos. H. Jones, councilmen of said town; that on the first Monday in April, 1874, and on same day in each year thereafter, an election shall be held at some convenient place in said town, for mayor and five councilmen. The said mayor and councilmen shall be a body corporate, by the name and style of the mayor and council of the town of Wheeler. Mayor and councilmen appointed.

SEC. 3. *Be it further enacted*, That the mayor and councilmen shall have power to establish and enforce such by-laws and ordinances (not inconsistent with the constitution and laws of the State of Alabama) as they may think necessary for the good government of said town. Annual election.

Powers of council.

SEC. 4. *Be it further enacted,* That all elections in said town shall be managed by two councilmen of said town.

SEC. 5. *Be it further enacted,* That the inhabitants of said town of Wheeler, within the corporate boundaries of said town, shall be exempt from working on public roads and highways out of the corporation, but the highways and streets, and springs within said corporate boundaries shall be kept in repair by the corporate authorities of said town, and all person so exempted within the corporate limits of said town, shall be required to work on the roads and springs of said town, each year, for the same period that persons now are required to work on highway.

SEC. 6. *Be it further enacted,* That when vacancies occur in the board of councilmen by death, resignation, or otherwise, such vacancy shall be filled by the board, and the member or members so added, shall continue in office until the succeeding annual election.

SEC. 7. *Be it further enacted,* That in case of a vacancy in the office of mayor, the remaining members of the board shall appoint a successor.

SEC. 8. *Be it further enacted,* That the mayor and councilmen of said town shall, before entering on the duties of their office, take an oath faithfully to perform the duties of their office, before any officer qualified to administer an oath.

SEC. 9. *Be it further enacted,* That the mayor, and in his absence for any cause, the acting mayor shall be *ex-officio* a justice of the peace, during the time he may continue to exercise the functions of that office, and within the limits of said town, for the purpose of carrying into effect the ordinances and by-laws of said town and no other.

Approved April 19, 1873.

No. 302.]

AN ACT

To change the name of Youngsville, to that of Alexander City, and incorporate the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Youngsville, of the county of Tallapoosa, in this State, shall hereafter be called "Alexander City," and that the present and future inhabitants of said Alexander City, as by this act incorporated shall be and they are by this act made and constituted a body corporate and politic under the name and style of "The Common Council of Alexander City," under, and by which name and style, and acting by and through the proper officers of said corporation, hereafter to be designated, all the corporate powers and privileges of said Alexander City by this act granted, shall be executed and carried into effect as required; and under its corporate name aforesaid the said Alexander City corporation shall sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive, and hold and sell, grant, alien, mortgage, assess or let property, real or personal, may have and use a common seal, which may be changed at pleasure, and may do and perform all acts incident to such corporation, not inconsistent with the laws of this State.

Name change

Re-incorporated.

SEC. 2. *Be it further enacted,* That said Alexander City shall consist of and include all the tracts, lots and parcels of land, which are included in the following boundaries, to-wit: All of the south-west quarter of section twenty-seven, all of the north-west quarter of section thirty-four, all of the north-east quarter of section thirty-three, and all of the south-east quarter of section twenty-eight; each of said sections is located in township twenty-three, range twenty-one, in the county of Tallapoosa, and State of Alabama.

Corporation limits.

SEC. 3. *Be it further enacted,* That the government of said incorporation shall be styled "The Common Council of Alexander City," and shall consist of a chief officer, to be styled the mayor of Alexander City, and five councilmen, each to be elected by the legal voters of said incorporation, the person receiving the majority of the votes cast for the office of mayor, shall be elected mayor, and the five persons receiving a like majority of votes cast

Government of corporation.

shall be elected councilmen. Every citizen of said Alexander city who would be a legal voter at an election for members of the Legislature, and shall have been a resident of said incorporation for three months next preceding the election, will be a legal voter at such election for mayor and councilmen. Each of the above officers must be a *bona fide* resident citizen for twelve months next preceding his election, and before entering upon the duties of his office must take and subscribe the oath of office, as required by civil officers in this State.

Powers of corporate authorities.

SEC. 4. *Be it further enacted*, That the said incorporation shall have power and authority to ordain and pass all such ordinances, by-laws, resolutions, and make all such regulations as may be by them deemed necessary for the good government of said incorporation, which may extend to the preservation of health; to prevent and remove nuisances. to license, tax, restrain, theatrical amusements, shows and museums of any kinds, whatsoever, within said incorporation; to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries; to appoint a suitable number of police and night watches, when deemed necessary; to clean and keep in repair the streets of said incorporation, and prohibit trespass upon the same; to make, open, widen, and change the streets thereof; to levy and collect a tax on all property, both real and personal, within said corporation, not to exceed three-fourths of one per cent. on the value thereof; to grant licenses to retailers of spirituous and vinous liquors, to regulate and restrain them, when deemed a nuisance; to grant licenses to dealers in merchandise of whatsoever kind, and auctioneers, which license and tax may be collected by restraint of goods or property at any time; and in general to pass and ordain all such ordinances as may be deemed necessary for the good government of said Alexander City, not contrary to the provisions of the constitution and laws of this State.

Residing officer, and powers.

SEC. 5. *Be it further enacted*, That the mayor shall preside at all meetings of the common council. (and in case of his absence a member of said com-

mon council may preside,) whose duty it shall be to maintain order at such meetings, to put questions and announce the result, which mayor shall be invested with the powers of a justice of the peace in Tallapoosa county, and shall be subject to the same pains and penalties, and liabilities, and shall try any and all offenders and violators of any ordinance or by-law adopted by said corporation in accordance with this charter, and pass judgement thereupon, the punishment of which shall be in no case more than ten days imprisonment in the calaboose, or hard labor upon the streets of said incorporation, and a fine of fifty dollars, one or both, in said mayor's discretion, where fees shall be the same as justice of the peace trying criminal cases to be taxed as costs against the person convicted.

SEC. 6. *Be it further enacted,* That the common council shall as early as practicable after their election and qualification, proceed to elect a marshal, and may elect a clerk and treasurer from among their own number, or otherwise, as deemed expedient.

Subordinate
officers.

SEC. 7. *Be it further enacted,* That it shall be the duty of the sheriff of Tallapoosa county to give written notice posted in writing at said Alexander City, that an election will be held in said incorporation for the election of mayor and five common councilmen, on Tuesday after the first Monday in April, A. D., 1873, and appoint two inspectors and one returning officer thereof, and at least five days notice must be given preceding said election, and said election must be governed in all respects under and by the provisions of the election laws of this State, and said returning officer shall return to the sheriff of Tallapoosa county of such ballot or election within forty-eight hours after such election, and it shall be the duty of said sheriff forthwith to make a legal count of the vote, and declare the results, and certify the same to the persons elected mayor and the five persons elected common councilmen.

First election.

SEC. 8. *Be it further enacted,* That the fiscal year of said incorporation shall commence on Tuesday after the first Monday in April of each year,

Fiscal year,
and term of of-
fice.

and each and all officers before named shall hold and exercise the same for the term of one year, and until their successors are duly elected and qualified, and in case an election should not be held as provided in the seventh section of this act, then the same may be held as herein provided at any time before Tuesday after the first Monday in April, 1874, and such officers may qualify and hold said offices for the unexpired term.

Subsequent
elections.

SEC. 9. *Be it further enacted*, That after the first election and qualification of the several officers of said incorporation the said common council of Alexander City shall have power to provide by ordinance or otherwise, the mode and manner of holding all subsequent elections within and for said incorporation, how and to whom the returns shall be made; also shall provide by ordinance the manner and time of filling all vacancies; *Provided*, Such ordinances do not conflict with the constitution and laws of this State.

Mayor and
marshal to give
bond.

SEC. 10. *Be it further enacted*, That before the mayor and marshal of said incorporation shall enter upon the discharge of their duties, each shall enter into bond with approved securities, in the penal sum of one thousand dollars, with condition to faithfully discharge all duties imposed upon them, and payable to the common council of Alexander City, and to be approved by the probate judge of Tallapoosa county, and within thirty days thereafter be duly recorded in said probate judge's office.

Limit as to
holding pro-
perty.

Oath.

SEC. 11. *Be it further enacted*, That nothing herein contained shall be so construed as to allow said incorporation to hold and own property, both real and personal, exceeding in value ten thousand dollars, or to allow any officer thereof to perform the duties of his office without first taking and subscribing to the oath of office, as now required of civil officers of this State.

Powers of mar-
shal.

SEC. 12. *Be it further enacted*, That the marshal of said incorporation shall be authorized and have power to make arrest of any person or persons violating any ordinance or by-law of said incorporation, either with or without a warrant, and may

call to his assistance any bystander, person or persons, to aid him, and upon refusal, such person or persons shall be guilty of a contempt, and upon conviction thereof may be fined by the mayor in a sum not exceeding fifty dollars, and imprisoned in the calabose not exceeding five days, one or both, and the said marshal perform all such other duties as may be imposed upon him by ordinance or by-law of said incorporation; and the said marshal shall be *ex-officio* constable within Tallapoosa county, subject to all the pains, penalties and authority of a constable of this State, and shall receive for his services the same fees as are now allowed by the laws of this State to constables for like services, and may receive such other compensation as may be allowed by said incorporation, not to exceed five hundred dollars per annum; and the said marshal for failure to discharge or perform any duty imposed upon him, may be fined by the mayor for any such offense, a sum not exceeding twenty-five dollars, to be deducted out of his salary; and in the absence of the marshal the mayor may appoint a special marshal, whose acts shall be in all respects binding, and may require such special marshal to give bond as is required by the marshal.

SEC. 13. *Be it further enacted*, That each street now opened, or that may be hereafter opened, shall be under the supervision of said incorporation, and that each and every person residing within the limits of said incorporation, who may be subject to road duty in this State shall be subject to work on the public highways and streets within said incorporation, and these only, but any person not wishing to so work upon said highways and streets, may be released therefrom by paying to said incorporation one dollar for each day's labor required of him, but nothing herein contained shall authorize said incorporation to open any new street through any person's lot or land, (without owner's consent) or without making him just compensation therefor.

Streets and street duty.

SEC. 14. *Be it further enacted*, That in case of the absence of the mayor, or in case of his protracted sickness, either one of the common council-

In case of absence of mayor

men may act and perform all the duties, that may be imposed upon said mayor.

Quorum. SEC. 15. *Be it further enacted*, That a majority of said councilmen are necessary to constitute a quorum to transact any business.

Repeal. SEC. 16. *Be it further enacted*, That the present charter of said town of Youngsville, and all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved, March 19, 1873.

No. 303.]

AN ACT

To amend the third section of an act entitled an act to incorporate the Tennessee Coosa railroad company, approved January 16, 1844.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the third section of an act entitled an act to incorporate the Tennessee and Coosa railroad company, approved January 16, 1844 which is in the following words, to-wit; "Section 3. And be it further enacted, That said railroad shall extend from some point at, or near Gunter's Landing, on the Tennessee river to the most eligible point on the Coosa river, between the base of Lookout Mountain and the Ten Island Shoals, and shall be located with a view to the extension at some future day to some point on the Alabama river," be and the same is hereby amended, so as to read as follows: That said railroad shall extend from some point at or near Gunter's Landing on the Tennessee river to a point to be selected by said company or their successors, on the boundary line between the States of Tennessee and Alabama, with a view to its further extension in a northern or northwestern direction as said company may determine, and from said point at or near Gunter's Landing on said Tennessee River, to some point at or near the towns of Attalla or Gadsden in Etowah county, thence by way of the cities of Talladega and Wetumpka, to the city of Montgomery, on the Ala-

Amended section.

bama river: *Provided*, That the provision of this act shall in no wise impair or effect any contract or agreement heretofore made by the said Tennessee and Coosa railroad company with the East Alabama and Cincinnati railroad company. Proviso.

SEC. 2. *Be it further enacted*, That said section three of said act as amended, shall not be so construed as to divert in any way whatever, any rights, powers, privileges or purchases now possessed or owned under and by virtue of any law or laws of this State. No divulsion of rights, &c.

SEC. 3. *Be it further enacted*, That the true intent and meaning of this act is to authorize and empower said company to construct a railway from Gunter's Landing on the Tennessee river to the boundary line of the States of Tennessee and Alabama, with a view to its further extension in a northern or northwestern direction as may be determined by said company and from said Gunter's Landing, on said river, to some point at or near the towns of Attalla or Gadsden in Etowah county, thence by way of the cities of Talladega, and Wetumpka to the city of Montgomery on the Alabama river; *Provided*, That said Tennessee and Coosa railroad company, be and are hereby required to give the same accommodations to all persons paying the same fare without regard to race, color or previous condition of servitude, and that said Tennessee and Coosa railroad company shall not refuse to sell firstclass tickets to any person or persons applying for the same on account of race or color. True intent and meaning.

Approved April 22, 1873.

No. 304.]

AN ACT

To amend the charter of the Selma, Marion and Memphis railroad company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2 of an act entitled "an act to amend and revise the general acts incorporating the Cahaba, Marion and Greensboro railroad

company, and to change the name and style of said company, approved December 31, 1868," which is as follows: "That the capital stock of said company shall not exceed four millions of dollars to be divided into shares in such sums as the President and Directors may prescribe, not less than fifty dollars for each share, and which when paid, shall be held as personal property, and be transferred in such manner, and at such places as the law of said company shall direct," be amended so as to read as follows: That the capital stock of the consolidated Selma, Marion and Memphis railroad company of Tennessee and Mississippi and the Selma, Marion and Memphis railroad company of Alabama, as consolidated in joint convention of the respective boards of directors of said companies on the seventeenth day of March in the year 1871, which consolidation is hereby ratified and confirmed, shall not exceed six millions of dollars, to be divided into shares in such sums as the president and board of directors may prescribe, not less than fifty dollars for each share, and which, when paid, shall be held as personal property, and be transferred in such manner and at such places as the by-laws of said consolidated company shall direct

Amended
section 2.

SEC. 2. *Be it further enacted*, That section 10 of said act, approved December 31, 1868, which is as follows: "That a president and nine directors shall be annually elected, at such time and place as may be prescribed in the by-laws, by the stockholders, and at such election, the person receiving the majority of all the votes cast, shall be declared elected" be amended so as to read as follows: That nine directors of said consolidated company shall be annually elected, at such time and place as the stockholders, at their preceding meeting shall appoint, and if no such time and place shall be appointed at said stockholders meeting, or if such election shall not be held, at the time and place appointed therefor, at said stockholders meeting, then such election may be held at any other time and place, appointed therefor by the by-laws of said consolidated company, and at such election, the persons receiving a majority of all the votes cast, shall be declared

Amended
section 10.

elected, and said directors shall, in all cases hold their said offices until their successors are duly elected and qualified, and the immediate government and direction of the affairs of said consolidated company shall be vested in its president and board of directors, and any five of said directors shall constitute a quorum for the transaction of business, and as soon as may be convenient, after the first, and every subsequent election as herein above provided for, said directors or a quorum as aforesaid shall hold a meeting and shall elect one of their number president of the board, who shall also be president of said consolidated company, and said board of directors, at said meeting, shall also elect one of their number to be vice president of said consolidated company, and also a secretary and treasurer, which two last named officers may be combined in and filled by one person, should said board so determine, and the said treasurer shall give bond with security to said consolidated company, in such sum as the board of directors may require for the faithful discharge of his duties as such treasurer, and if a vacancy shall occur in said board, by death, resignation or otherwise, every such vacancy may be filled by said board, and said board shall also have the power to appoint any three or more of their own number an executive and finance committee to perform such duties as may be assigned to them by the direction of said board, or the by-laws of said consolidated company, and the acts of said committee, when performed in pursuance of the authority conferred upon them, and approved by said board, shall be as valid and binding as if performed by said board, and in the event of the death, absence or resignation of the President, the vice president shall perform the duties of the president of said consolidated company, and in the event of the death, absence, resignation or removal of the president and vice president, then said board of directors shall elect of their number a president for the time being until his successor is duly elected and qualified, and each of said officers, whose term of office is not above specified, shall hold his office for the period of one year, and special meetings of either stockholders or

the board of directors, may be called under such provisions as may be made therefor in the by-laws of said consolidated company.

SEC. 3. *Be it further enacted*, That the said sections two and ten of said act, approved December 31 1868, are hereby repealed, and this act take effect and be in force from and after its passage.

Approved March 22, 1873.

No. 305. |

AN ACT

To amend the charter of the Pensacola and Louisville railroad company.

Recitation of
section 1.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the first section of the act of incorporation of the Pensacola and Louisville railroad company, which read as follows: "This is to certify that we, W. A. Richardson, Albert Hyer, J. C. Whiting, S. C. Cobb and D. H. Cram, have associated ourselves together for the purpose of constructing a first class railroad in the State of Alabama and to become a body corporate under the provisions of an act to provide for the creation and regulation of railroad companies in the State of Alabama, approved Dec. 29, 1868, with all the rights, privileges and powers conferred by, and subject to all the restrictions of said act," be amended so as to read as follows, viz: This is to certify that we, W. A. Richardson, Albert Hyer, J. C. Whiting, S. C. Cobb and D. H. Cram, have associated ourselves together for the purpose of constructing a first class railroad and telegraph line with power to make leases, contract and arrangements with other telegraph lines in or out of the State for connecting and operating in the State of Alabama, and to become a body corporate under the provisions of an act to provide for the creation and regulation of railroad companies in the State of Alabama, approved Dec. 29, 1868, with all the rights, privileges and powers conferred by and subject to all the restrictions of said act.

Amended
section 1.

Approved, March 17, 1873.

No. 306.]

AN ACT

To amend an act entitled an act to amend the third and eighth sections of an act entitled an act to incorporate the Pensacola and Mobile railroad company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the above entitled act, which is in words and figures as follows, to-wit. Section 1. Be it enacted by the General Assembly of Alabama, That section three (3) of the above recited act which is in words and figures as follows to-wit: "Sec. three. Be it further enacted, That whenever the said commissioners shall find, upon examination, that the sum of one hundred thousand (\$100,000) dollars or more has been subscribed to the capital stock of said company, then the subscribers and those whom they may at any time associate with them, their successors and assignees, shall be and they are hereby made and created a body politic and corporate by the name of the Pensacola and Mobile railroad company, and by that name shall have perpetual succession and a common seal, with a capacity to hold, have, receive and enjoy, to them and their assignees and successors, property and estate of whatever nature and quality, and the same alien, hold, transfer and dispose of, so far as may be necessary to carry into effect the object of this charter, which is hereby declared to be the construction and maintenance of a railroad from Hall's bridge on the Perdido river to some point on the east side of Mobile Bay, or to some point on the Mobile and Great Northern railroad; *Provided*, The connection with such road, shall only be made by and with the consent of the Mobile and Great Northern railroad company," be and the same is hereby amended so as to read as follows, to-wit; Sec. three (3.) That whenever the said commissioners shall find upon examination, that the sum of one hundred thousand (\$100,000) dollars or more, has been subscribed to the capital stock of said company, then the subscribers or those whom they may at any time associate with them their successors and assignees, shall

Recitation of
act.

Amended
section 3.

be and they are hereby created a body politic and corporate, by the name of the Mobile, Pensacola and Columbus railroad company; and by that name shall have perpetual succession and a common seal, with a capacity to hold, have, receive and enjoy, to them, their assignees and successors, property and estate of whatever nature and quality, and the same to alien, hold, transfer and dispose of, so far as may be necessary to carry into effect, the object of this charter, which is hereby declared to be the construction and maintainance of a railroad from some point on the east side of Mobile Bay, or some point on the Mobile and Montgomery railroad, to the Perdido river, at or near Hall's bridge; and have the following powers and rights, upon the following conditions, to become the purchaser or transferee of the branch railroad from Troy via Elba, thence to the Florida line in the direction of Pensacola (as provided for by law) to become possessed of such purchase or transfer, (unaffected by any action of the vender by which enjoyment of the same may be delayed or hindered) of all the rights, titles, interests, privileges, immunities and franchises in its own name and right, as are or may be possessed or owned by said branch railroad, or such as are, may or could be possessed by said vender (or transferrer thereof,) and have itself and its obligation and privileges in its own name and in its own behalf: To construct said branch railroad, beginning within the corporate limits of Troy; thence to, or within one-half mile of Elba, Coffee county; thence to within one mile of Andelusia, thence to intersect with the Mobile and Montgomery road, or the Pensacola and Louisville railroad, one or both, at or near Pollard; and the Mobile and Montgomery railroad, may connect with it; and each road shall be on the same terms as to transfer of cars and freights, as are now provided for by law for the Mobile and Montgomery railroad; *Conditioned further*, That the grading and construction for operation shall commence at Troy, within six months after the approval of this act; and the entire line shall be completed, equipped and operated within two years from the commencement of the grading. If work of construction should

also begin at the western terminus, the grading, equipment and operation shall be done at the same rate, mile for mile, on the section from Troy to Elba, as from western terminus, and said branch railroad, and the appointments and equipments, incident, necessary and usual for the operation thereof, shall be exempt from any county or municipal tax in the counties of Coffee, Covington and Escambia for ten years. The conditions upon which said road shall go within the said distance of Elba and Andalusia is that for one half mile, going to and from said towns, the usual right of way be given to the road, and all necessary or usual grounds for turn-outs, side tracks, depots, &c., at said places be given to said road free of any charge whatever, upon demand at any time after four months from the commencement of construction. The express condition upon which the rights, privileges, immunities and franchises herein conferred, is that the road shall be commenced and completed in and according to the manner, and within the time specified and upon the entire line indicated; and that the section from Troy to Elba, shall be finished, equipped and operated at the same rate of progression as from the western terminus, at or near Pollard; otherwise, this act to be null and void.

SEC. 2. *Be it further enacted*, That section eight of the above recited act, which is in words and figures as follows, to-wit: "Section 8. Be it further enacted, That the said president and directors may open at such times and places, as they may think proper, books to receive subscription to the capital stock of said company, upon such terms and conditions as they may provide, which capital stock may be added to, from time to time, until it shall amount to the sum of one million of dollars," be and the same is hereby amended to read as follows, to-wit: Sec. 8. Be it further enacted, That the said president and directors may open at such times and places as they may think proper, books to receive subscription to the capital stock of said company, upon such terms and conditions as they may provide, which capital stock may be added to, from time to

Amended
section 8.

time, until it shall amount to the sum of three millions (\$3,000,000) of dollars.

Repeal.

SEC. 3. *Be it further enacted*, That the sections of the above recited act, amended by this act, and inconsistent with these amendments are hereby repealed.

No authority conferred to contract with any other company.

SEC. 4. *Be it further enacted*, That nothing herein contained in the several sections of this act, shall be so construed as to authorize or allow either of the corporations herein named to contract with any other company or corporation, to build any other road or branch road, deflecting from the main line of said branch road of the Vicksburg and Brunswick railroad or connecting therewith; and it is hereby declared that the true intent and meaning of this act is alone and only intended to allow the Mobile, Pensacola and Columbus railroad company to build the branch road from Troy to Elba, in Coffee county, to some point in the direction of Pensacola, Florida; and in no wise to allow said company or companies, to contract with or engage in building or aiding in building or contracting with any road now incorporated or hereafter to be incorporated, in the direction of the Chattahoochee river from said line, as described in the original branch charter: and in the event said contracting parties, one or both, or either of them shall undertake to contract with any other body corporate or persons, so to build or construct any other road or roads from said branch railroads, then, and in that event, this act is declared null and void; and in right or privileges herein granted, shall be of any avail or effect; and by this act, it is only intended to allow said contracting corporations to build a railroad from Troy, in Pike county, to Elba, Coffee county, thence to Andalusia, and thence to some point on the Montgomery and Mobile railroad, at or near Pollard, in Alabama, approved February 17, 1872, be and the same is amended, so as to read as follows. to-wit: Section 3. That whenever the said commissioners shall find upon examination, that the sum of one hundred thousand dollars or more, has been subscribed to the capital stock of said company, then the subscribers, or those whom they may at any

time associate with them, their successors and assignees, shall be and they are hereby created a body corporate and politic, by the name of the Mobile, Pensacola and Columbus railroad company: and by that name shall have perpetual succession and a common seal, with capacity to hold, have, receive and enjoy, to them, their assignees and successors, property and estate of whatever nature and quality, and the same to alien, hold, transfer and dispose of, so far as may be necessary to carry into effect, the object of this charter, which is hereby declared to be the construction and maintainance of a railroad from some point on the east side of Mobile Bay, or some point on the Mobile and Montgomery railroad to the Perdido river, at or near Hall's bridge, and from some point on the Florida line, near Pollard, via Elba, to the Chattahoochee river, at or near Columbia, Henry county, and from some point on said line west of Elba in Coffee county, to Troy, in Pike county; *Provided*, That if said railroad to Troy shall turn off west of Elba, then the line toward Elba and Troy, shall be built from the point of deflection at the same rate of progression, mile for mile, until Elba is reached; *Provided further*, That said railroad to Troy shall not turn off from, or intersect the line to Elba, at any point north of a due west course from Elba, and the work shall commence at the western terminus, near Pollard, and progress to the point of deflection, before any work is done on either line from said point of deflection as far as Troy and Elba.

SEC. 5. *Be it further enacted*, That section eight of the above recited act, which is in words and figures as follows, to-wit: "Sec. 8. Be it further enacted, That the said president and directors may open at such times and places, as they may think proper, books to receive subscription to the capital stock of said company, upon such terms and conditions as they may provide, which capital stock may be added to from time to time, until it shall amount to the sum of one million dollars," be and the same is amended to read as follows, to-wit: Sec. 8. Be it further enacted, That the said president and directors may open at such times and places as they may

Amended
section.

think proper, books to receive subscription to the capital stock of said company, upon such terms and conditions as they may provide, which capital stock may be added to from time to time, until it shall amount to the sum of three millions of dollars.

Repeal.

Proviso as to equal accommodation.

SEC. 6. *Be it further enacted*, That the sections of the above recited act, amended by this act, and inconsistent with these amendments, are hereby repealed; *Provided*, That said Mobile and Pensacola railroad company, be and are hereby required to give equal accommodation to all persons, paying the same fare, without regard to race, color or previous condition of servitude, and that the said Mobile and Pensacola railroad shall not refuse to sell first class tickets, to any person or persons applying for the same on account of race or color; *Provided further*, That if any conductor or other person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined five hundred dollars; *Provided further*, That said Mobile and Pensacola railroad shall have power to build a branch road from the town of Elba in the county of Coffee, to the town of Clayton in the county of Barbour: *Provided*, That the branch to the town of Troy from the point of deflection, on the main line, and the main line on said point of deflection as far as the town of Ozark, in the county of Dale, shall be finished and completed before the construction of the branch from the town of Elba to the town of Clayton shall be commenced.

Approved, April 5, 1873.

No. 307.]

AN ACT

To repeal in part an act approved December 16, 1871, entitled "An act to re-enact and put in force an act to repeal in part an act to incorporate the Girard railroad company," approved January 21, 1846.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the last proviso to section first of an act approved December 16, 1871, entitled "an

act to re-enact and put in force an act entitled an act to repeal in part an act to incorporate the Girard railroad company," approved January 21, 1846, which is in the following words, viz: "Provided, That the same shall be operative and of effect only until the second day of January, eighteen hundred and seventy-three, and the rights, privileges and immunities enjoyed or possessed under and by virtue of said act, shall expire on said day," be and the same is hereby repealed. *Provided*, That the same shall be operative and of effect only until the first day of January, in the year 1880, unless before that time the road of said company shall be completed and put into operation, according to its charter, to the city of Mobile, or to Pollard on the Mobile and Montgomery railroad, and in connection with the latter to Mobile; in which event, the rights, privileges and franchises herein granted shall continue and be in force for the term of thirty years thereafter. *And provided further*, That the freights and fares charged or taken by said Mobile and Girard railroad company shall be the same for persons and goods going westward as for those going eastward. *Provided*, That the Mobile and Girard railroad, in their charges for transportation of freight, shall not exceed the average charged by other railroads in the State, and their rates for passage shall not exceed the amount allowed by their charter. *Provided further*, That the said Mobile and Girard railroad company shall give the same accommodation to all persons paying the same fare without regard to race, color or previous condition of servitude; and that the said company shall not refuse to sell first class tickets to any person or persons applying for the same on account of race or color.

Approved, March 27, 1873.

No. 308.] AN ACT

To annul and revise "An act to incorporate the Pickens and Noxubee (Miss.) railroad company," approved Feb. 2, 1856.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1, of said act approved February 2, 1856, which is in words and figures as follows: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That James D. Lowe, Hiram Glass, James W. Wallace, Andrew Grier, R. T. Johnson, James W. Wallis, John M. Spurl, Josiah Greene, Fergas McDonell, Henry Stith, or such of them as shall accept of this charter, with their associates, are hereby constituted a body corporate, by the name of the Pickens and Noxubee (Mississippi) railroad company, and by that name to sue and be sued, plead or be impleaded in any court in this State, to make and have a common seal, and the same to break, alter or renew at pleasure, and said corporation is hereby vested with all powers, privileges and immunities which are, or may be necessary to carry into effect the purposes and objects of this act, and said corporation, is hereby authorized and empowered to locate, construct and finally complete a single or double railroad or way from the town of Carrollton, in Pickens county, to the State-line, in the direction of the town of Macon, in the State of Mississippi, and at that point to connect or consolidate said road with one to be built from the town of Macon, Mississippi, in the direction of Memphis, Alabama, or to connect and consolidate the same with a branch of the Mobile and Ohio railroad, which may be built by the Mobile and Ohio railroad in the direction of Memphis, Alabama, and to transport, take or carry property and persons upon said railroad by force of steam; and said corporation is authorized to lay out said road not exceeding 100 feet wide through the whole length, and for the purposes of depots, cuttings or embankments, and necessary turnouts, and to obtain stone, gravel and earth; may take as much more land as may be necessary for the construction and security of said road, with permission to make any lawful contract with any other railroad corporation or person in relation to the business of said first named corporation, and also to make joint stock

with any other railroad corporation. Provided, That all damages that may be occasioned by any person by the taking of any such land or materials as aforesaid, shall be paid by said first named corporation in manner herein provided for ;" be and the same is hereby amended and revised, so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That Charles Barkewille, J. W. Patty, H. W. Foote, S. V. D. Hill, A. K. Davis, M. McKees, Richard Gray, C. M. Thomas, J. B. Allgood, George L. Williams, L. W. Smith, L. M. Stone, Sid. Coleman, J. B. Gresham, F. F. Hemphill, J. H. Fitts, J. A. McLester, E. A. Powell, John S. Kennedy, with such other persons as may be associated with them, or a majority of them, are hereby constituted a body corporate by the name of Pickens and Noxubee railroad company, or if a majority of said persons shall so elect, to be styled by the name and style of the Macon and Tuscaloosa railroad company, by either of which names they may sue and be sued, plead and be impleaded in any court of this State, and may have a common seal, which may be altered at pleasure, and the said company is hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, herein set forth, and this company is hereby authorized and empowered to locate and construct a railroad, with single or double track or narrow guage from such point as they may elect in the town of Tuscaloosa, Alabama, to a point on the Tombigbee river in the State of Alabama, at or near either of the towns of Fairfield, Memphis, or Pickensville, and for the purposes of constructing said railroad, the said company is authorized to lay out their road, not exceeding one hundred feet wide through the whole length; and for the purpose of depots, cuttings, embankments, obtaining stone, gravel, and for necessary turnouts, may take as much more land as may be necessary for the construction and security of said road, with provisions to make any lawful contract with any other railroad corporation, in relation to the business of said company, and also to make joint stock with any railroad

corporation. *Provided*, That all damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid, for the purposes aforesaid shall be paid for by said company in the manner hereinafter provided for.

Authority to
connect with
other roads.

SEC. 2. *Be it further enacted*, That said company shall have authority to connect their railroad with any railroad in this State, upon such terms and conditions as may be agreed upon by all parties interested, and that said company may lay a consolidation, transfer or assignment of its stock, made with any company whose railroad may connect with them, which transfer, assignment or consolidation may carry with it, all the benefits and privileges granted to said company by this act. *Provided*, That said railroad shall be constructed and located as set forth in section one of this act.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall not be less than two hundred and fifty thousand dollars, nor more than five millions of dollars, to be divided into shares of twenty-five dollars each, which shares shall be deemed personal property, the transfer of which shall be regulated by the by-laws and rules of the company. The construction of said road may be commenced when the sum of twenty thousand dollars shall have been paid into the capital stock, and all the powers and privileges granted by this act are hereby conferred when said sum of twenty thousand shall have been subscribed and paid in.

Books of sub-
scription.

SEC. 4. *Be it further enacted*, That the persons named in this act, or a majority of them, shall open books to receive subscriptions to the capital stock of said company at such times and places, as they may appoint, giving reasonable notice, and receive subscriptions under such regulations as they may adopt.

Board of di-
rectors.

SEC. 5. *Be it further enacted*, That the government of said company shall be vested in a board of directors, not more than nine in number, who shall be elected by stockholders, and who shall hold their offices for one year and until their successors are elected; five of whom, the president being one, shall constitute a quorum, and said board shall elect one from

among their number who shall be president of the company, and shall also elect a secretary and treasurer and such other officers as they may deem necessary, requiring bonds in all cases where money or other valuable property shall be confided to such officers.

SEC. 6. *Be it further enacted*, That the persons authorized to receive subscriptions are hereby authorized, when the sum of twenty thousand dollars has been subscribed, to call a meeting of the stockholders at such time and place as they may appoint, for the election of directors, and in all meetings of the stockholders, each share shall entitle the holders thereof to one vote, which may be given in person or by lawful proxy. All future meetings after the elections of the first board of directors, shall be at such times and places as the by-laws may direct and prescribe. *Provided*, That in case it shall so happen from any cause that a meeting of stockholders for an election of directors, or for any purpose, shall not be held at the time and place prescribed, the directors may prescribe some other time; and the board of directors shall have power to fill all vacancies that may occur by death, resignation or otherwise.

Election of directors.

SEC. 7. *Be it further enacted*, That said board shall have power to make by-laws, rules and regulations to govern the disposition and management of all property and effects of said company, not contrary to the provisions of this charter. Said company is also authorized to purchase and hold such real estate as may be necessary to accomplish the object for which this corporation is granted, and may by their agents, engineers, surveyors and servants, enter upon all lands through which they may deem it necessary to make said road, and to survey, lay out and construct the same, and may contract for the land or right of way with the owners of the same. In case the lands belong to the estate of any deceased person, then with the legal representatives of said estate; or in case the lands belong to a minor or minors, or a person *non compos mentis*, then the guardian or guardians of such person or persons; or in case the lands are held by trustees of school sections or other trustees, then with such trustees; and said legal rep-

Powers of the board.

representatives, guardians or trustees are hereby declared competent trustees for such estate or minor, to contract with said company for said right of way, so far as the same may be necessary for the purpose of said road, and the act of such legal representative, guardian or trustee in relation thereto shall be good and binding on those for whom he may act; but if the said railroad company and the parties representing lands fail to agree, they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of an umpire, shall be final and shall vest the title according to its terms.

Tolls and charges.

SEC. 8. *Be it further enacted*, That said company may from time to time fix and regulate the rates of toll and charges to be received by them, for freight and passage upon this road. *Provided*, That the power of said road to fix and regulate its rates or charges for the transportation of freight or passengers shall be subject to regulations by the Legislature. *Provided further*, That no discrimination shall be made between persons paying the same rates of fare, provided they are orderly in their conduct and properly attired.

Proviso.

Penalty for injury to corporate property.

SEC. 9. *Be it further enacted*, That any person who shall be convicted under indictment of willfully committing any act whereby any building, construction, works or property of any kind shall be stopped, obstructed, impaired, weakened, injured or destroyed, such person shall be punished by fine, not to exceed five hundred dollars, or imprisonment in the county jail not less than twelve months, or both, at the discretion of the court.

When construction to commence and be completed.

SEC. 10. *Be it further enacted*, That if said railroad shall not be commenced in six years from the passage of this act, and completed in fifteen years, and shall not be constructed from the beginning point to the Tombigbee river at or near one of the points designated in the first section of this act, or shall in that event or either of them, the privileges and franchises herein granted may be renewed by this State, and this act shall be null and void.

Power to own steamboats.

SEC. 11. *Be it further enacted*, That said company are hereby authorized and empowered to own and hold or charter in whole or in part one or more

steamboats or other water crafts for navigating the Tombigbee river and its tributaries, and with such steamboats or other water craft for navigating the Tombigbee river and its tributaries, and with such steamboats or other water craft they may transfer persons or property upon the Tombigbee river within or without the limits of this State, upon such terms as the board of directors may deem proper, not inconsistent with the laws of this State or of the United States.

SEC. 12. *Be it further enacted*, That the board of directors may provide for the payment by subscribers of as much as one-half of their subscription to be paid in work, labor and materials.

Payment of
subscriptions.

SEC. 13. *Be it further enacted*, That said railroad company may receive subscriptions of land to their capital stock, the value to be ascertained and fixed by rules adopted by the board of directors, and they may obtain by grant or otherwise, from an incorporated town or village, all the rights, privileges and franchises which said city, town or village are by the laws of this State empowered to grant, which may not be revoked or withdrawn without the consent of said company.

Subscriptions
of land.

SEC. 14. *Be it further enacted*, That sections two, three and four of said act, which read as follows: Section 2. *Be it further enacted*, That the capital stock of said company shall not exceed \$600,000, to be divided into shares of \$100 each, which shares shall be deemed personal property and to be transferred in such manner and at such places as the by-laws of said company shall direct. Sec. 3. *Be it further enacted*, That all parts, provisions and sections of "an act to incorporate the Mobile and Ohio Railroad Company," approved February 3, 1848, except the first, second and last sections of said act be and the same is hereby made to apply to said first named corporation, and are made a point of this act as fully as if the same were herein fully set forth and repeated. *Provided*, That any incongruity thereby appearing shall be construed in reference to the scope and intent of this act, and so to promote the object thereof. Sec. 4. *Be it further*

Certain sections
repealed.

enacted, That if said road shall not be commenced within four years from the date of this act, and shall not be finished within five years from the commencement of the same, then this act shall be null and void," be and the same is hereby repealed.

Approved April 19, 1873.

No. 309.]

AN ACT

To amend section one of an act entitled an act to amend sections one and eleven of an act entitled "an act to incorporate the Opelika and Talladega railroad company," approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega railroad company, approved November 9, 1861, and further amended by act approved Februaay 20, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega railroad company, approved November 9, 1861," approved December 7, 1866.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of the said act, which is in the following words to-wit: Section one. Be it enacted by the Senate and House of Representatives of the State of Alabama in General assembly convened, That the first section of said act, which is in the following words, to-wit: That Walter G. Williams, B. B. Patrick, John R. Slaughter, Wm. Griffin, R. G. Young, John Bell, A. McHill, T. J. Vardeman, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, William Rogers, and J. M. Lanovin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper, appoint agents to solicit subscriptions for stock in a railroad to be constructed from Opelika, in Russell county, Alabama, by Dadeville, in Tallapoosa county, to some point on the Alabama and Tennessee river railroad, between the east bank of the Coosa river and the town of

Talladega, and any one or more of said commissioners may open said books and appoint said agents and fix times and places as aforesaid, be amended by inserting between the words "from and Opelika," where they occur together in said section, the following words, to-wit: "Some point on the Georgia and Alabama line, at or near Columbus, by way of," so that said section as amended will read as follows: to-wit. "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama Amended section. in General assembly convened, That Walter G. Williams, B. B. Patrick, John R. Slaughter, Wm. Griffin, R. G. Young, John Bell, A. McHill, T. J. Vardeman, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, William Rogers, and J. M. Lanovin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper; appoint agents to solicit subscriptions for stock in a railroad to be constructed from some point on the Georgia and Alabama line, at or near Columbus, Georgia, by way of Opelika, in Russell county, Alabama, by Dadeville, in Tallapoosa county, to some point on the Alabama and Tennessee river railroad, between the east bank of the Coosa river and the town of Talladega, and any one or more commissioners may open said books and appoint said agents, and fix times and places as aforesaid," shall be and the same is hereby amended so as to read as follows, to-wit:

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the first section of said act, which is in the following words, to-wit: "That Walter G. Williams, B. B. Patrick, John R. Slaughter, William Griffin, R. G. Young, John Bell, A. McHill, T. J. Vardeman, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, William Rogers, and J. M. Lanovin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper; appoint agents to solicit subscriptions for stock in a railroad to be constructed from Opelika, in Russell county,

Alabama, by Dadeville, in Tallapoosa county, to some point on the Alabama and Tennessee river railroad, between the east bank of the Coosa river, and the town of Talladega, and any one or more of said commissioners may open said books and appoint said agents and fix times and places as aforesaid," shall be and the same is hereby amended so as to read as follows, to-wit :

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Walter G. Williams, B. B. Patrick, John R. Slaughter, William Griffin, R. G. Young, John Bell, A. McHill, T. J. Varde-man, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, William Rogers, and J. M. Lanovin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper, and appoint agents to solicit subscriptions for stock in a railroad to be constructed from some point in the State of Georgia, at or near Columbus, by way of Opelika and Dadeville, and the city of Talladega, in the county of Talladega, in this State, to some point on the Mobile and Ohio railroad, south of Jackson, Tennessee, with such branch roads to coal and mineral deposits or to landings on the Tennessee river as the company may deem expedient, and any one or more of said commissioners may open said books and appoint said agents, and fix times and places as aforesaid ; *Provided*, That Opelika and Talladega railroad company shall give the same accommodation to all persons without regard to race, color, or previous condition of servitude, and that the said company shall not refuse to sell first-class tickets to any person or persons applying for the same, on account of race or color.

Approved, April 19, 1873.

No. 310.] AN ACT.

Supplemental and amendatory to an act to amend sections one and eleven of an act entitled an act to incorporate the Opelika and Talladega railroad company, approved December the 9th, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega railroad company, approved November 9, 1861, and further amended by an act approved February 20, 1866, entitled "an act to amend an act entitled an act to amend an act to amend the charter of the Opelika and Talladega railroad company," approved November 9, 1861, approved December the 7th, 1866, and approved April 19, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act to amend section one of an act entitled "an act to amend sections one and eleven of an act entitled an act to incorporate Opelika and Talladega railroad company, approved December 9, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega railroad company, approved November 9, 1861 and further amended by act approved February 12, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega railroad company, approved November 9, 1861, approved December 7, 1866. Section first. *Be it enacted by the General Assembly of Alabama,* That section one of the said act, which is in the following words, to-wit :

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of said act, which is in the following words, to-wit :
 "That Walter G. Williams, B. B. Patrick, John R. Slaughter, Wm. Griffin, R. G. Young, John Bell, A. McHill, T. J. Vardemon, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, Wm. Rogers, and J. M. Lanovin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper, appoint agents to

Recitations

solicit subscriptions for stock in a railroad to be constructed from Opelika, in Russell county, Alabama, by Dadeville, in Tallapoosa county, to some point on the Alabama and Tennessee river railroad, between the east bank of the Coosa river and the town of Talladega, and any one or more of said commissioners may open said books, and appoint said agents, and fix times and places as aforesaid," be amended by inserting between the words "from" and "Opelika," where they occur together in said section, the following words, to-wit: "Some point on the Georgia and Alabama line, at or near Columbus, by way of" so that said section, as amended, will read as follows. to-wit: Section first. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Walter G. Williams, B. B. Patrick, John R. Slaughter, Wm. Griffin, R. G. Young, John Bell, A. McHill, T. G. Vardemon, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, Wm. Rogers, and J. M. Lanovin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper, appoint agents to solicit subscriptions for stock in a railroad to be constructed from some point on the Georgia and Alabama line, at or near Columbus, Georgia, by way of Opelika, in Russell county, Alabama, by Dadeville in Tallapoosa county, to some point on the Alabama and Tennessee river railroad, between the east bank of the Coosa river and the town of Talladega, and any one or more of said commissioners may open said books and appoint said agents, and fix times and places as aforesaid," shall be and the same is hereby amended so as to read as follows, to-wit:

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the first section of said act, which is in the following words, to-wit: "That Walter G. Williams, B. B. Patrick, John R. Slaughter, William Griffin, R. G. Young, John Bell, A. McHill, T. J. Vardemon, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, William Rogers, and J. M. Lanovin, be and

they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper ; appoint agents to solicit subscriptions for stock in a railroad to be constructed from Opelika, in the county of Russell, Alabama, by Dadeville, in Tallapoosa county, to some point on the Alabama and Tennessee river railroad, between the east bank of the Coosa river and the town of Talladega, and any one or more of said commissioners may open said books and appoint said agents, and fix times and places as aforesaid," shall be and the same is hereby amended so as to read as follows, to-wit :

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Walter G. Williams, B. B. Patrick, John R. Slaughter, William Griffin, R. G. Young, John Bell, A. McHill, T. J. Varde-mon, John P. Oden, J. D. Griffin, A. G. Holloway, G. W. Gamble, Michael Stone, William Rogers and J. M. Lanovin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock at such times and places as they may think proper, and appoint agents to solicit subscriptions for stock in a railroad to be constructed from some point in the State of Georgia, at or near Columbus, by way of Opelika and Dadeville, and the city of Talladega, in the county of Talladega, in this State, and the city of Birmingham, in Jefferson county, Alabama, to some point on the Mobile and Ohio railroad, south of Jackson, Tennessee, with such branch roads to coal and mineral deposits, or to landings on the Tennessee river, as the company may deem expedient, and any one or more of the said commissioners may open said books and appoint said agents, and fix times and places as aforesaid ; *Provided*, That Opelika and Talladega railroad company shall give the same accommodations to all persons without regard to race, color or previous condition of servitude, and that the said company shall not refuse to sell first-class tickets to any person or persons applying for the same, on account of race or color, approved April 19, 1873, be amended by striking out the following words in the first and only

section of said act, viz. : "And the city of Talladega, in the county of Talladega, in this State, and the city of Birmingham, in Jefferson county, Alabama, to some point on the Mobile and Ohio railroad, south of Jackson, Tennessee, with such branch roads to coal and mineral deposits, or to landings on the Tennessee river as the company may deem expedient, and any one or more of said commissioners may open said books and appoint said agents, and fix times and places as aforesaid ; *Provided*, Said Opelika and Talladega railroad company shall give the same accommodation to all persons without regard to race, color, or previous condition of servitude, and that said company shall not refuse to sell first-class tickets to any person or persons applying for the same, on account of race or color," and inserting in lieu thereof the following, to-wit: "And to some point on the Mobile and Ohio railroad, at or south of Jackson, Tennessee, with a branch road from some point on the line of said road, to the city of Talladega, in the county of Talladega, in this State, with such other branch roads to coal and mineral deposits, or to landings on the Tennessee river as the company may deem expedient, and any one or more of said commissioners may open books of subscription, and appoint agents and fix times and places as aforesaid ; *Provided*, That Opelika and Talladega railroad company shall give the same accommodation to all persons without regard to race, color, or previous condition of servitude, and that said company shall not refuse to sell first-class tickets to any person or persons applying for the same, on account of race or color.

Amendment.

SEC. 2. *Be it further enacted*, That the capital stock of the said Talladega branch road shall not exceed six hundred thousand (\$600,000) dollars, and the liabilities and restrictions on the issuance of stock in said branch road, shall be the same as are provided on the issuance of stock of the main line of the Savannah and Memphis railroad.

Approved, April 23, 1873.

No. 311.]

AN ACT

To authorize the Columbus and Tennessee Valley railroad company, now known as the Columbus, Fayette and Decatur railroad company, to call on the South and North Alabama railroad company of the State, as the successor in the corporate franchises of the Tennessee and Alabama Central railroad company, to survey at their own expense the route of the said Columbus, Fayette and Decatur railroad, from Columbus, in the State of Mississippi, to Decatur, in the State of Alabama.

WHEREAS, Under authority of an act of the General Assembly of this State, entitled an act to loan and appropriate the three per cent. fund and its interest, approved on February 18th, 1860, the sum of two hundred and twenty-five thousand dollars (\$225,000) of said three per cent. fund was loaned to the Alabama and Tennessee river railroad company, and Whereas, Said last named railroad company, by the acceptance of the benefits of said act, bound themselves to survey the route of a railroad, then projected from Columbus, Mississippi, to Decatur, Alabama; and Whereas, also, The North and South railroad company have succeeded to the franchises and liabilities of said Tennessee and Alabama Central railroad company; and Whereas, said survey has never been completed as required by said act; Therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Columbus, Fayette and Decatur railroad company be and the same is hereby clothed with all the powers, rights, claim and title of the said Columbus and Tennessee Valley railroad company in and to said survey of a route or routes from the city of Columbus, in the State of Mississippi, to the city of Decatur, in this State, as required and authorized by the seventeenth section of said act of the 18th day of February, 1860.

SEC. 2. *Be it further enacted,* That in the event that said South and North railroad company, upon request of said Columbus, Fayette and Decatur railroad company, by its president or other author-

Preamble.

Authority conferred.

How in case of refusal.

ized agent to make said survey of said route or routes from Columbus to Decatur, as aforesaid, and as is required by said act, and shall fail or refuse to make the same, then His Excellency, the Governor of this State, shall take the proper steps to enforce the same; *Provided*, That all persons paying the same rates of fare shall be entitled to like privileges, and that no distinction shall be made on the cars of said railroad, between persons who pay the same prices for fare and freights.

Approved April 5, 1873.

No. 312.]

AN ACT

To amend the charter of the Elyton, Corinth and Tennessee River Railroad Company.

Preamble.

WHEREAS, Elyton, Corinth and Tennessee River Railroad company was duly chartered by the Secretary of the State of Alabama, on the 13th day of March, *Ano Domini*, 1871, by virtue and in pursuance of an act of the State of Alabama, approved December 28th, 1868, entitled an act for the creation and regulation of railroad companies in the State of Alabama, enacted as follows: An act for the creation and regulation of railroad companies in the State of Alabama, in words and figures as follows, viz:

An act to provide for the creation and regulation of railroad companies in the State of Alabama.

Recitation.

Section 1. Be it enacted by the General Assembly of Alabama, That any number of natural persons, not less than five, may become a body corporate, with all the rights, powers and privileges conferred, and made, subject to all the restrictions of this act.

Sec. 2. Be it further enacted, That any number of persons aforesaid, associating to form a company for the purpose of constructing a railroad shall, under their hands and seals, make a certificate which shall specify as follows: 1st. The name assumed by such company, and by which it shall be known. 2d. The name of the place of the termini of said road,

and the county or counties through which such road shall pass. 3d. The amount of capital stock necessary to construct such road. . Such certificate shall be acknowledged before a justice of the peace and certified by the clerk of the circuit court, and shall be forwarded to the Secretary of State, who shall record and carefully preserve the same in his office, and a copy thereof duly certified by the Secretary of State, under the great seal of the State of Alabama, shall be evidence of the existence of such company.

Sec. 3. Be it further enacted, That when the foregoing provisions have been complied with, the persons named as corporators in said certificate, are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of this act, and they and their associates, successors and assigns, in the name and style provided in such certificate, shall thereafter be deemed a body corporate, with successors, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects for which it was created ; and such company shall possess all the powers and be subject to all the rules and restrictions provided by this act.

Sec. 4. Be it further enacted, That said corporation shall be authorized to construct and maintain a railroad, a single or double track, with such side tracks, turnouts, offices and depots as they may deem necessary, between the points named in the certificate, commencing at or within, and extending to or into any town, city or village named as the place of the termini of such road, and construct branches from the main line to other towns or places within the limits of any county through which said road may pass.

Sec. 5. Be it further enacted, The capital stock of such company shall be divided into shares of fifty dollars each, and consist of such sum as may be

named in the certificate ; such shares shall be regarded as personal property, and shall be subject to execution at law.

Sec. 6. Be it further enacted, That an installment of each share of stock shall be payable at the time, or at such other time as said company may require, of making the subscription, and the residue thereof shall be paid in such installments, and at such times and places, and to such persons as may be required by the directors of said company.

Sec. 7. Be it further enacted, That if any installment of stock shall remain unpaid for sixty days after the time it may be required, whether such stock is held by assignee, transferee or the original subscriber, the same may be collected by an action at law, or the directors may sell the stock so subscribed at public auction, for the installments then due thereon ; first giving thirty days' public notice of the time and place of sale in some newspaper in general circulation in the county where such delinquent stockholder resided at the time of making such subscription, or becoming such assignee or transferee, or of his actual residence at the time of said sale ; or if such stockholder resided out of the State, such publication shall be made in the county where the principal office of the company is located ; and if any residue of money shall remain after paying the amount due on said stock, the same shall, on demand, be paid over to the owner ; if the whole of said installment be not paid by such sale, the remainder shall be recoverable by an action of debt against the subscriber, assignee or transferee.

Sec. 8. Be it further enacted, That if ever any railroad company heretofore incorporated, or created and incorporated under the provisions of this act, shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the Auditor of State a certificate setting forth the amount of such desired increase, and thereafter such company shall be entitled to have such increased capital as is fixed by said certificate.

Sec. 9. Be it further enacted, That the persons named in said certificate of incorporation, or any three of them, shall be authorized to order books to be opened to receive subscriptions to the capital stock of said company, at such time or times, and at such place or places as they may deem expedient, after having given at least thirty days' notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books ; and as soon as ten per centum on the capital stock shall be subscribed, they may give like notice for the stockholders to meet at such time and place as they may designate, for the purpose of choosing seven directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified ; at the time and place appointed, directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies ; each share shall entitle the owner to one vote, and plurality of votes shall be necessary for a choice ; but after the first election of directors, no person shall vote on any share on which any installment is due or unpaid. The persons named in such certificate, or such of them as may be present, shall be inspectors of such election, and shall certify what persons are elected directors, and appoint the time and place for holding their first meeting ; a majority of said directors shall form a board, and be competent to fill vacancies in their board, make by-laws and transact all business of the corporation. A new election shall be annually held for directors, at such time and place as the stockholders, at their meeting, shall determine, or as the by-laws of the corporation may require, and the directors chosen at any election shall, as soon thereafter as may be convenient, choose one of their number to be a president, and shall appoint a secretary and treasurer for the corporation. The directors, before entering on their duties, shall each take an oath or affirmation, faithfully to discharge their duties, and they shall, from time to time, make such dividends of the profits of said company as they may think proper.

Sec. 10. Be it further enacted, That such corporation is authorized to enter upon any land for the purpose of examining and surveying its railroad line, and may appropriate so much thereof as may be deemed necessary for its railroads, including necessary side tracks, depots, workshops, and water stations, material for construction, except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and a right to conduct water aqueducts, and the right to make proper drains ; but no appropriation of private property to use of any corporations provided for in this act shall be made, until full compensation therefor be first made in money, or secured by deposit of money to the owner or owners, irrespective of any benefit from any improvement proposed by such corporation, as shall be prescribed by law.

Sec. 11. Be it further enacted, That whenever any railroad company heretofore incorporated, or which may hereafter be incorporated, shall find it necessary for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for any other reasonable cause, to change the location or grade of any portion of their road, whether heretofore made, or hereafter to be made, such railroad companies shall be, and are hereby authorized to make such changes of grade and location, not departing from the general route prescribed in the certificate of such company, and for the purpose of making any such changes in the location and grades of such road as aforesaid, such company shall have all the rights, powers and privileges to enter upon and take and appropriate such lands, and make surveys necessary to effect such changes and grades upon the same terms, and be subject to the same obligations, rules and regulations as are prescribed by law, and shall also be liable in damages, when any have been caused by such change to the owner or owners of the lands upon which said road was heretofore constructed, to be ascertained and paid or deposited as aforesaid ; but no damages shall be allowed unless claimed within thirty days after actual notice of such intended change shall be given

to such owner or owners, if residing on the premises, or notice by publication in some newspaper in general circulation in the county, if non-resident.

Sec. 12. Be it further enacted, That if it shall be necessary in the location of any part of any railroad to occupy any road, street, alley, or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation or public officer or public authorities, owning or having charge thereof, and the railroad company, to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such railroad company, to use or occupy such road, street, alley or other public way or ground, such company may appropriate so much of the same as may be necessary for the purpose of such road, in the same manner and upon the same terms as is provided for the appropriation of the property of individuals by the tenth section of this act.

Sec. 13. Be it further enacted, That such corporation shall demand and receive for the transportation of passengers on said road not exceeding three cents per mile, and for the transportation of property not exceeding five cents per ton a mile, when the same is transported a distance of thirty miles or more; and in case the same is transported for a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said company as prescribed by law.

Sec. 14. Be it further enacted, That such company may have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding seven per cent. per annum, and may execute bonds or promissory notes therefor, in sums not less than one hundred dollars, and to secure the payment thereof, may pledge the property and income of such company.

Sec. 15. Be it further enacted, That such company may acquire by purchase or gift, any lands in the vicinity of said road, or through which the same

may pass, so far as may be deemed convenient or necessary by said company to secure the right of way, or such as may be granted to aid in the construction of said road, and the same to hold or convey in such manner as the directors may prescribe, and all deeds and conveyances made by such company shall be signed by the president, under the seal of the corporation, and any existing railroad corporation may adopt the provisions of this act, and after such acceptance all conflicting provisions of their respective charters shall be null and void.

Sec. 16. Be it further enacted, That it shall be lawful for such corporation whenever it may be necessary for the construction of such road to cross any road or stream of water, to direct the same from its present location or bed, but the said corporation shall without unnecessary delay place such road or stream in such condition as not to impair its former usefulness.

Sec. 17. Be it further enacted, That such corporation shall as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper of such establishment or change.

Sec. 18. Be it further enacted, That every company organized under this act shall be required to erect at all points where their road shall cross any public road at a sufficient elevation from such public road to admit of a free passage of vehicles of every kind, a sign with large and distinct letters placed thereon to give notice of the proximity of the railroad, and warn persons of the necessity of looking out for the cars. Any company neglecting or refusing to erect such sign, shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal, and such railroad company shall be required to fence its roads with good, substantial fences, under such rules as, the county commissioners of the several counties through which the same may pass shall prescribe.

Sec. 19. Be it further enacted, That each and every railroad incorporated under this act shall annually in the month of January make a full report

of the condition of its affairs to the Auditor of State, showing the amount of the capital stock of such company, the gross amount, tolls or receipts, and incidental expenses, the amount of profits and the dividends made, with such other facts as may be necessary to a full statement of the affairs and condition of such road, and the auditor shall annually present an abstract copy of such reports to the General Assembly.

Sec. 20. Be it further enacted, That whenever the line of any railroad company now existing, or which may hereafter organize under this act, shall cross any canal or navigable water the said company shall file with a board of public works, where such crossing is proposed, the plan of bridge and other fixtures for crossing such canal or navigable water, designating the place of crossing, and if the board or acting commissioners thereof shall approve of such plan, he shall notify such company in writing of such approval, but if such board or acting commissioners shall disapprove such plan, or fail to approve the same within twenty days from the filing thereof, then it shall be lawful for such company to apply to the court of common pleas, and any judge in vacation, and upon reasonable notice being given to the board of public works, or said acting commissioners, said court or judge shall upon good cause shown, appoint a competent disinterested engineer, not a resident of any county through which such road passes, to examine such crossing, and prescribe the plan and condition thereof, so as not to impede navigation, and such engineer shall within twenty days, from his appointment make his return to the circuit court of the county where such crossing is to be made, subject to exception by either party, and thereupon the court shall at the next term after filling out the said return proceed to examine the same, and unless cause is shown, shall approve and confirm the same, and such order of confirmation shall be sufficient authority for the erection, use and occupancy of such bridge, in accordance with such plan; *Provided*, That no railroad company shall be authorized to construct any permanent bridge over

any canal of the State which shall be less than ten feet in the clear above the top water line of said canal, and the piers and abutments of such bridge shall be placed so as not in any manner to contract the width of the canal, or interfere with the free passage on the towing path.

Sec. 21. Be it further enacted, That whenever the lines of railroad of any railroad company in this State, or any portion of such lines have been or may be constructed so as to admit the passage of burden or passenger cars over any two or more of such roads continuous without break or interruption, such companies are hereby authorized to consolidate themselves into a single corporation in the manner following: The directors of two or more corporations may enter into an agreement under the corporate seal of each for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the corporation, the number of directors thereof, which shall not exceed thirteen, the time and place of holding the first election of directors, the number of shares of capital stock in the new corporation, the amount of each share, the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation, the manner of compensating stockholders in each of said two or more corporations, who refuse to convert their stock into the stock of such new corporation, with such other details as they shall deem necessary to perfect such consolidation of such corporations, and such new corporations shall possess all the powers, rights, and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by this act; *Provided*, That all the stockholders in either of such corporations who shall refuse to convert their stock into such new corporation shall be paid at least par value for each of the shares so held by them, if they shall so require, previous to said consolidation being consummated, such agreement of the directors shall not be deemed to be the agreement of the said two or more corpor-

ations until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called upon a notice of at least thirty days, specifying the time and place of such meeting, and the object thereof, to be addressed to each of such stockholders, when their place of residence is known, and deposited in the post office, and published for at least three successive weeks in one newspaper in at least one of the cities or towns in which each of said corporations has its principal office of business, and has been sanctioned by such stockholders by a vote of at least two-thirds in amount of the stockholders present at such meeting, voting by ballot, in regard to such agreement, either in person or by proxy, each share of capital stock being entitled to one vote, and when such agreement of directors have been so sanctioned by each of the meetings of the stockholders separately after being submitted to such meetings in the manner above mentioned, then such agreement of Directors shall be deemed to be the agreement of the said two or more corporations.

Sec. 22. Be it further enacted, That upon making the agreement mentioned in the preceding section in the manner required therein, and filing a duplicate, or counterpart thereof, in the office of the Secretary of State, the said two or more corporations mentioned or referred to in the said first section, shall be merged into the new corporation provided for in such agreement, to be known by the name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

Sec. 23. Be it further enacted, That upon the election of the first board of directors of the corporation created by agreement, as in the twenty-first section of this act mentioned, and by the provisions of this act, all and singular, the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular, their rights and interest in and to every species of property, real, personal and mixed, and things in action, shall be deemed to be transferable to and vested in such new corporation without any other deed or transfer, and such new corporation shall

hold and enjoy the same, together with the right of way, and all other rights of property, in the same manner and to the same extent as if the said two or more corporations, parties to such agreement, should have continued to retain the title, and to transact the business of such corporations, and the titles and real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained; *Provided*, That all rights of creditors, and all liens upon the property of either of said corporations, parties to said agreement, shall be and are hereby preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same, and *Provided further*, That all the debts, liabilities and duties of either company, shall, thenceforth attach to such new corporation, and to be enforced from the same, to the same extent and in the same manner as if such debts, liabilities and duties had been incurred by it.

Sec. 24. Be it further enacted, That railroad companies heretofore or hereafter incorporated, may at any time by means of subscription to the capital of any other company, or otherwise aid such company in the construction of its railroad for the purpose of forming a connection of said last mentioned road with the road owned by the company furnishing said aid, or any railroad company organized in pursuance of law, may lease or purchase any part or all of any railroad constructed by any other company, if said company's lines of said road are continuous or connected, as aforesaid, upon such terms or conditions as may be agreed on between said companies respectively, or any two or more railroad companies whose lines are so connected, may enter into any arrangement for their common benefit consistent with and calculated to promote the objects for which they were created; *Provided*, That no such aid shall be furnished nor any purchase, lease, or arrangement perfected until a meeting of the stockholders of each of said companies shall have been called by the directors thereof, at such time and place and in such manner as they shall designate, and the holders of at least two thirds of the

stock of such company represented at such meeting in person or by proxy, and voting thereat shall have assented thereto.

Sec. 25. Be it further enacted, That the commissioners of any county, the city or town council of any town, or trustees of any township, which city, town or township, has heretofore subscribed to the capital stock of any railroad company or turnpike, or plank road company, and has issued or shall hereafter issue any bonds for the payment of such subscription, are hereby authorized to sell the same stock, or any part thereof, and on such terms as they shall deem to be for the interest for the said county, city, or town or township, respectively, and may apply the proceeds of such sale to the payment of the bonds by such county, city, town or township subscribed.

Sec. 26. Be it further enacted, That any railroad company in this State shall cause all its trains of cars for passengers to entirely stop upon each arrival at a station advertised by such company as a station for receiving passengers upon such trains, at least one half of one minute, and every company, and every person in the employment of such company, that shall violate or cause, or permit to be violated the provisions of this section, shall be liable to a forfeiture of not more than one hundred, nor less than twenty-five dollars, to be recovered in an action of debt, upon the complaint of any person before any justice of the peace of the county in which such violation shall occur under the provisions of this section, the company whose agent shall cause or permit such violation, shall be liable for the amount of such forfeiture, and in all cases the conductor upon such train shall be held *prima facie* to have caused the violation of this section, which may occur upon the train in his charge, said forfeiture to be recovered in the name of the State of Alabama, for the use of common schools.

Approved December 28, 1868.

And whereas, Taking advantage of the provisions of the said act, A. M. Johnson, G. E. Kump, P. N. G. Rand, C. B. McKenan and A. A. McGregor, on the 4th day of February, 1871, formed themselves

into a body corporate, for the purpose of constructing a railroad from the town of Elyton, in the State of Alabama, *via*. Corinth, in the State of Mississippi, at or near the town of Hamburg, in the State of Tennessee, under the corporate name of Elyton, Corinth and Tennessee river railroad, in the manner and in the language following, to-wit :

STATE OF ALABAMA,)
 COLBERT COUNTY.)

We, the undersigned, hereby certify that we have associated ourselves together to form a company for the purpose of constructing a railroad, to be known as the Elyton, Corinth and Tennessee river railroad company ; one termini of said road shall be at or near Elyton, Alabama, and the other at or near Hamburg, Tennessee ; the said road shall pass through the following counties in the State of Alabama : Jefferson, Walker, Winston, Marion and Franklin ; the amount of capital stock necessary to construct said road, four million dollars. Done under and in accordance with the act of the General Assembly, approved December 29, 1868, this the 4th of February, 1871.

A. M. JOHNSON, [Seal.]
 G. E. KUMP, [Seal.]
 P. N. G. RAND, [Seal.]
 C. B. MCKENAN, [Seal.]
 A. A. MCGREGOR, [Seal.]

STATE OF ALABAMA,)
 COLBERT COUNTY.)

I, B. C. Bird, a justice of the peace in and for the county aforesaid, hereby certify that A. M. Johnson, G. E. Kump, P. N. G. Rand, C. B. McKenan, and A. A. McGregor, whose names are signed to the foregoing certificate, and who are known to me, acknowledge before me this day that they signed the same on the day the same bears date.

Given under my hand and seal, this the 4th day of February, 1871.

B. C. BIRD, [Seal.]
Justice of the peace, in and
For the county aforesaid

STATE OF ALABAMA,)
COLBERT COUNTY.)

I, Samuel W. L. McLaskey, clerk of the circuit court in and for said county, hereby certify that B. C. Bird, whose name is attached to the foregoing certificate, is a justice of the peace in and for the county of Colbert, duly commissioned and qualified, and I hereby also certify that A. M. Johnson, G. E. Kump, P. N. G. Rand, C. B. McKenan, and A. A. McGregor, whose names are signed to the first certificate written above, acknowledge before me this day that they signed and affixed their seals to the same the day the same bears date. Witness my hand and seal, this the 4th day of February, 1871.

SAMUEL W. L. MCLASKEY, [Seal.]
Clerk of the circuit court of
Colbert county, Alabama.

STATE OF ALABAMA,)
OFFICE OF SECRETARY OF STATE.)
MONTGOMERY, March 13, 1871.)

I hereby certify that the foregoing is a correct copy of the original declaration of incorporation of the Elyton, Corinth, and Tennessee river railroad company, on file, and recorded in this office March 13, 1871.

J. J. PARKER,
Secretary of State.

And Whereas, The said Elyton, Corinth and Tennessee river railroad company, afterwards on the 27th day of March, 1871, organized under the said charter by the election of the following directors, to-wit: A. M. Johnson, G. T. Deson, G. E. Kump, P. N. G. Rand, C. B. McKenan, A. A. McGregor, Anderson Orr, J. F. Arnold, E. C. Gillinwatus, C.

A. Taylor, J. L. Noffud, James A. Johnson and John F. Meeks ; and from whom J. F. Arnold was duly elected president of said company; And Whereas, The said Elyton, Corinth and Tennessee river railroad company was afterwards, on the 11th day of May, 1871, by the Legislature of the State of Mississippi, duly chartered, thereby conferring all the rights, powers and privileges upon said company in the State of Mississippi, as are granted to it in the State of Alabama, by the said act, approved December the 28th, 1868.

And Whereas, Said railroad will pass through the north-western portion of this State, which is mountainous and sparcely populated, and which therefore presents no local means of the subscription of capital stock adequate to the construction of said railroad ; And Whereas, Said portion of the State abounds in many large and valuable natural resources, and is at present without railroad facilities and navigable rivers for transportation; And Whereas, The State will be largely benefitted by the development of these natural resources, and the capital of the State be made easily accessible to the citizens of those counties through which said road will run as a work of internal improvement; And Whereas, said railroad will cause a large ingress of foreign capital for the construction of the same, thus creating a large amount of taxable property within the commonwealth, without additional taxation to the people of the State, and being desirous of granting and extending to said railroad company, the same powers and privileges for the accomplishing of the objects of the incorporators, as she has heretofore given and granted to other railroad companies within the limits of this State: Therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the original charter of incorporation of said Elyton, Corinth and Tennessee river railroad company, be, and the same is hereby so amended and so extended as to authorize and empower the said Elyton, Corinth and Tennessee river railroad company, as now organized under said charter, to change and alter the termini of said

Authorized to change the termini and direction.

road, and the direction thereof as follows, viz: Strike out the name of Elyton, wherever it occurs, and insert the city of Birmingham, Alabama, in lieu thereof; strike out the word Hamburg, wherever it occurs, and insert the city of Jackson, Tennessee, and also strike out the word Corinth, and insert in lieu thereof, Brown's old ferry, on the Tennessee river, or any other point on said river the company may deem most appropriate to its purpose, or upon whatever route the board of directors of said company may elect, as in their judgment the most practicable and best suited to accomplish the objects of said company.

SEC. 2. *Be it further enacted*, That the provisions contained in the 13th section of said charter shall be and the same are hereby so changed and modified as to leave the said railroad company free to fix such reasonable rates for the transportation of property and passengers as in the discretion of the company it may think best; *Provided*, That said railroad company shall not charge more than twenty-five per cent. higher rates for transporting local freight than is charged per mile for transporting through freights.

Provisions of
sec. 13 changed
and modified.

SEC. 3. *Be it further enacted*, That the provisions contained in the 14th section of said charter shall be and the same are hereby changed and modified so as to authorize and empower the said company to borrow money at such rates of interest as in its own discretion it may think best.

Provisions of
sec. 14 changed
and modified.

SEC. 4. *Be it further enacted*, That the provisions contained in the 18th section of said charter shall be and the same are hereby so changed and modified as to leave the said railroad company free to fence or not to fence its road as it may judge best.

Provisions of
sec. 18 changed
and modified.

SEC. 5. *Be it further enacted*. That the said Elyton, Corinth and Tennessee Railroad company is hereby authorized and fully empowered to increase the amount of its capital stock from four millions to six millions of dollars, or to whatever reasonable amount it may be found is required to build, equip and operate said railway from Birmingham, Alabama, to Jackson, Tennessee.

Authorised to
increase capital
stock.

Name of corporation changed

SEC. 6. *Be it further enacted,* That from and after the date hereof, that the name of the Elyton, Corinth and Tennessee River Railroad company shall be and the same is hereby changed, and it shall be known and designated as the Birmingham and St. Louis Railroad company, and by that name and style it shall hereafter sue and be sued, plead and be impleaded in any court in this State, and all subscriptions of stock to, or bonds issued for the benefit of the Elyton, Corinth and Tennessee River Railroad company are hereby made payable to and collectable by the Birmingham and St. Louis Railroad company, and the title to all property of every description and kind whatsoever, whether real, or personal or mixed, which by law heretofore vested in the Elyton, Corinth and Tennessee River Railroad company, is hereby vested in the Birmingham and St. Louis Railroad company, to be collected, used, sold, transferred or enjoyed by said company as by law the Elyton, Corinth and Tennessee River Railroad company might have collected, used, sold, transferred or enjoyed the same; and all contracts and obligations heretofore entered into by the Elyton, Corinth and Tennessee River Railroad company, and all debts of whatever kind due by the said company are hereby made the debts, contracts and obligations of the Birmingham and St. Louis Railroad company, which shall be liable therefor as fully in every particular as the said Elyton, Corinth and Tennessee River Railroad company would have been; and all certificates of stock in the said Elyton, Corinth and Tennessee River Railroad company heretofore issued shall entitle the holders to an equal number of shares in the Birmingham and St. Louis Railroad company; and, whenever required, the president and treasurer of the said company shall take up the certificates of the Elyton, Corinth and Tennessee River Railroad company, and substitute those of the Birmingham and St. Louis Railroad company.

SEC. 7. *Be it further enacted,* That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 8. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved, April 22, 1873.

No. 313.]

AN ACT

To amend an act entitled an act to incorporate the Pensacola Railroad Contracting Company, approved February 16th, 1867.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the above recited act, which is in words and figures as follows, to wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Edward Broughton, John T. Milner, Samuel G. Jones, John A. Broughton, Meyer Lehman, and with others, their associates and such as they may associate with them for the purpose, are hereby constituted a body politic and corporate, by the name of the "Pensacola railroad contracting company" and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying, real, personal and mixed property, and by that name may sue and be sued, plead and be impleaded in any court in this State and elsewhere, to make and to have a common seal and the same to break, alter or renew at pleasure; and the company is hereby invested with all the rights, powers, authority, privileges and immunities which are or may be required or necessary to contract with and to carry into effect any and all contracts or agreements which said Pensacola railroad contracting company may or shall make to and with the Alabama and Florida railroad company of Florida, or with the trustees or holders of the first and second mortgage bonds of said company, for the reconstruction and completion of the Alabama and Florida railroad of Florida, and the part of the Alabama and Florida railroad of Alabama lying between Pollard and the State line of Florida. Sec. 2. Be it further enacted, That as soon as one hundred thousand dollars have been subscribed upon the stock books of the Pensacola railroad contracting company, any three of the corporators herein named shall call a meeting of the stockholders at such time and place as they may appoint, by giving ten days notice in some

public newspaper published in the city of Montgomery. At such meeting said stockholders, or a majority of them in value, shall elect not less than five nor more than seven directors by ballot to manage the affairs of said company, and the corporators aforesaid or any three of them shall be judges of said first election, and on all occasions where a vote of stockholders is necessary to be taken, each stockholder shall be allowed one vote for each share of one hundred dollars owned by him, and any stockholder may depute any other person in writing to vote and act for him as his proxy. The directors chosen shall elect among themselves a president and such other officers, agents and servants, and to pay such president, officers, agents and servants such salaries as they may think proper or the interest of the company may demand. Sec. 3. Be it further enacted, That the president and directors shall be chosen annually by the stockholders in said company, and if any vacancy shall occur by death, resignation or otherwise of any president or director before the year for which they have been elected shall have expired, such vacancy shall be filled by the president and directors, or a majority of them, and they shall hold their offices until their successors are elected. The directors shall have power to remove the president or any officer, agent or servant at pleasure, shall call a meeting of the stockholders annually, and as often as they may think proper, giving thirty days notice of the time and place of each meeting. At the annual meeting the president and directors shall make a report of the condition of the company. Sec. 4. Be it further enacted, That full power and authority is hereby given to the stockholders and president and directors to pass all such rules, ordinances and by-laws for their government in their respective capacities as to them may seem proper, and generally to do all things necessary to carry into effect the objects of this act. Sec. 5. Be it further enacted, That the capital stock of said company shall be one hundred and fifty thousand dollars, with power to increase to three hundred thousand, by giving each stockholder the preference of taking said increase in proportion to the amount of stock

he, she or they may own of the original amount, by the president giving thirty days notice by publication in some newspaper published in Montgomery, Alabama, of said intention of increasing said stock. Sec. 6. Be it further enacted, That no stockholder of the corporation shall be individually liable for the debts of the corporation beyond his interest in the property and effects of the corporation after his stock shall have been fully paid. Sec. 7. Be it further enacted, That the president and directors of the corporation shall have power to borrow money for the purpose of reconstructing said road above mentioned and to carry into effect the objects of the corporation and make the necessary bonds, notes or other securities, as evidences of the said debts, and also to mortgage or pledge the property of the corporation to secure the payment thereof; but no sum exceeding one hundred and fifty thousand dollars shall be borrowed without the consent of a majority in value of the stockholders who may attend at a general meeting of stockholders of the corporation;” be and the same is hereby amended to read as follows :

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Edward Broughton, John T. Milner, Samuel G. Jones, John A. Broughton, Meyer Lehman, and with others, their associates, and such as they may associate with them for the purpose, are hereby constituted a body politic and corporate, by the name of the “Pensacola railroad contracting company,” and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, and by that name may sue and be sued, plead and be impleaded in any court of this State and elsewhere, to make and to have a common seal, and the same to break, alter and renew at pleasure, and the company is hereby vested with all the rights and powers, authority, privileges and immunities which are or may be required or necessary to contract with, and to carry into effect any and all contracts or agreements which said Pensacola railroad contracting company may or shall make to and with any railroad company in

Names of incorporators.

Powers, privileges, etc.

Election of
directors.

this State for the construction and equipment of their road, or with the Mobile and Montgomery or the Pensacola and Louisville railroad company of Florida, for the reconstruction of the railroad from Polard to the State line of Florida. Sec. 2. Be it further enacted, That as soon as one hundred thousand dollars have been subscribed upon the stock books of the Pensacola railroad contracting company, any three of the corporators herein named shall call a meeting of the stockholders at such time and place as they may appoint, by giving ten days notice in some public newspaper published in the city of Montgomery. At such meeting said stockholders, or a majority of them in value, shall elect not less than five nor more than seven directors, by ballot, to manage the affairs of said company, and the corporators aforesaid, or any three of them, shall be judges of said first election; and on all occasions when a vote of stockholders is necessary to be taken, each stockholder shall be allowed one vote for each share of one hundred dollars owned by him, and any stockholder may depute any other person in writing to vote and act for him as his proxy. The directors chosen shall elect among themselves a president, and such other officers, agents and servants, and to pay such president, officers and servants such salaries as they may think proper, or the interest of the company may demand. Sec. 3. Be it further enacted, That the president and directors shall be chosen annually by the stockholders in said company, and if any vacancy shall occur by death, resignation or otherwise, of any president or director before the year for which they shall have been elected shall have expired, such vacancy shall be filled by the president and directors, or a majority of them, and they shall hold their offices until their successors are elected. The directors shall have power to remove the president or any officer, agent or servant at pleasure, shall call a meeting of the stockholders annually, and as often as they may think proper, giving thirty days notice of the time and place of each meeting. At the annual meeting the president and directors shall make a report of the condition of the company. Sec. 4. Be it further enacted, That full

Annual elec-
tion of officers.

power and authority is hereby given to the stockholders and president and directors to pass all such rules, ordinances and by-laws for their government, in their respective capacities, as to them may seem proper, and generally to do all things necessary to carry into effect the objects of this act. Sec.

Power to pass by-laws, ordinances, etc.

5. Be it further enacted, That the capital stock of said company shall be one hundred and fifty thousand dollars, with power to increase to three hundred thousand, by giving each stockholder the preference of taking said increase in proportion to the amount of stock he, she or they may own of the original amount, by the president giving thirty days notice by publication in some newspaper published in Montgomery, Alabama, of said intention of increasing said stock. Sec. 6. Be it further enacted, That no stockholder of the corporation shall be individually liable for the debts of the corporation beyond his interest in the property and effects of the corporation after his stock shall have been fully paid. Sec. 7. Be it further enacted, That the president and directors shall have the power to borrow money for the purposes as stated in this act, and to carry into effect the objects of the corporation, and make the necessary bonds, notes or other securities as evidences of debt, and also to mortgage or pledge the property of the corporation to secure the payment thereof, but no sum exceeding one hundred and fifty thousand dollars shall be borrowed without the consent of a majority of value of the stockholders who may attend at a general meeting of the stockholders of the corporation.

Capital stock.

No individual liability.

Power to borrow money.

Approved April 24, 1873.

No. 314.]

AN ACT

To incorporate the "Pioneer Fire Company, No. 1, of Birmingham, Alabama."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That for the purpose of protecting the city of Birmingham against fire, and for other

Corporation.

municipal purposes, that the officers and members, their associates and successors of the "Pioneer Fire Company No. 1, of Birmingham," be and they are hereby declared and constituted a body corporate, by the name and style of the "Pioneer Fire Company No. 1, of the city of Birmingham," and by that name may sue and be sued, may plead and be impleaded, answer and be answered in any court of law or equity.

Privileges and powers.

SEC. 2. *Be it further enacted*, That the said company shall be entitled to seventy-five members, may have, hold, occupy, and possess goods and chattels, lands and tenements of the value of twenty thousand dollars, and may sell and transfer the same at pleasure, and may have a common seal, and alter the same at pleasure.

By-laws, rules and regulations

SEC. 3. *Be it further enacted*, That the said company may enact such by-laws, rules and regulations for the proper organization and good government of the company as are not inconsistent with the laws of the United States, or of this State, or with the charter of the city of Birmingham, and of the provisions of this act of incorporation, as they may deem proper.

Exemption from militia and jury duty.

SEC. 4. *Be it further enacted*, That the members of said company shall be exempt and are hereby exempt from militia and jury duty, road and street tax of the city of Birmingham, Alabama, so long as they continue to perform the duties of firemen under this act; *Provided however*, That there shall be no honorary or pay members of said company, who shall enjoy the privileges and immunities of active members under this act, except such as shall have served five (5) years consecutively in said company, or shall have been active members of a fire company in said city for five consecutive years without intermission, or shall have been permanently disabled in the performance of duty as firemen.

List to be furnished sheriff.

SEC. 5. *Be it further enacted*, That it shall be the duty of the foreman of said company to furnish the sheriff of Jefferson county, semi-annually, on oath, a true list of the names of the members of said company, who are at the time of making the report, en-

titled to the immunities of this charter, and it shall be the duty of said sheriff to prevent the said names from being placed in any of the jury boxes of said county.

SEC. 6. *Be it further enacted*, That whenever the said company shall cease to be efficient by not keeping an engine and other apparatus belonging to it, or by not keeping the same in good working order, or when the membership shall, from any cause, become inadequate for the proper management and manning of its engine &c., or shall habitually neglect the performance of its duty as a fire company, or otherwise violate the provisions of this charter, it shall be the duty of the marshal of said city of Birmingham to issue notice, calling on said company to appear before the mayor and aldermen of said city, and show cause why their charter should not be declared forfeited, and the said notice may be served upon either of the officers of said company, and in the absence of said officers, or their names unknown, then upon any of the members of said company, and if said company shall fail to appear, or appearing shall be found guilty of violating this charter, then the said mayor and aldermen shall declare said charter forfeited.

How charter
may be forfeit-
ed.

Approved March 28, 1873.

No. 315.]

AN ACT

To repeal section 2 of an act entitled an act to incorporate the Greensboro fire company No. 1, of Greensboro, Alabama, approved December 16th, 1869.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2 of an act entitled an act to incorporate the Greensboro Fire company No. 1, of Greensboro, Alabama, approved December 16, 1869, be and the same is hereby repealed.

Approved March 4, 1873.

No. 316.]

AN ACT

To amend an act entitled an act to incorporate the Tuskegee Female College, approved February 2, 1854.

Preamble.

1. WHEREAS, By an act of the General Assembly of Alabama, approved February the second, eighteen hundred and fifty-four, (1854) a female college was established in the town of Tuskegee, in the county of Macon, to be known as "The Tuskegee Female College," and David Clopton, Lewis Alexander, John B. Bilbro, Robert F. Ligon, James Dent, James M. Alexander, Richard H. Powell, Arnold Seals, DuBose E. Anthony, John Bedell, Joshua W. Willis, Job Thompson, Robert H. Howard, William H. Ellison, and Dow Perry and their successors were created and declared to be constituted a body corporate, by the name and style of the "Trustees Tuskegee Female College," and as such body corporate were authorized to sue and be sued, and to have perpetual succession and have certain powers, privileges, rights, and immunities conferred upon said corporation by said act; and

2. WHEREAS, All the property, real and personal, of said Tuskegee Female College, held by said trustees, has passed by legal titles to the Alabama Conference of the Methodist Episcopal Church South, and said Conference desires to continue said college under the management of trustees agreeably to the provisions of said act, under the name and style of "The Alabama Conference Female College;" and

3. WHEREAS, The members who now compose the "Trustees of the Alabama Conference Female College," are those and the successors of those who composed the "Trustees of the Tuskegee Female College," first above mentioned in paragraph one: now therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections one, two, three, and four of an act entitled an act to incorporate the Tuskegee Female College, approved February 2, 1854, which are as follows, to-wit: Section 1. "Be it

Recited in of sections 1, 2, 3 and 4.

enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a female college be and the same is hereby established in the town of Tuskegee, in the county of Macon, to be known as The Tuskegee Female College."

SEC. 2. *Be it further enacted*, That David Clop-ton, Lewis Alexander, John B. Bilbro, Robert F. Ligon, James Dent, James M. Alexander, Richard H. Powell, Arnold Seals, DuBose E. Anthony, John Bedell, Joshua W. Willis, Job Thompson, Robert H. Howard, William H. Ellison, and Dow Perry, and their successors be and the same are hereby constituted a body politic and corporate, to be known by the name and style of the "Trustees of the Tuskegee Female College," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded as natrnl persons, make, seal, deliver and receive titles to property, both real and personal, may receive donations, bequests, and devises of real and personal property, choses in action and money, and do such other acts as bodies corporate may do and perform, needful or necessary to the establishment and perpetuity or prosperity of said college, and they may have and use a seal with such devise or devises as they may deem meet, and the same at pleasure revoke; *Provided*, That in making titles to real property under order of the board of trustees, the same shall be signed by the president and countersigned by the secretary.

Sec. 3. *Be it further enacted*, That the board of trustees shall have power to elect from their own body a president, vice-president, treasurer and secretary, and such other officers as they may deem necessary to a proper organization and management of the trust herein confided, and assign to each their respective duties; they shall also have power to fill all vacancies which may occur in the board by death, resignation, or otherwise.

Sec. 4. *Be it further enacted*, That said board shall further have power to elect professors, tutors, and other officers of said college, as they may think proper, and fix their salaries, with such powers and duties severally and collectively as the board may

prescribe or allow, and who shall constitute the faculty of said college, and who may instruct in all the arts and sciences, grant diplomas, and confer all the degrees of literary distinction usual in similar female institutions of learning in the United States. The said trustees shall also have power to form or adopt a code of by-laws for the government of said college, and for their own government, and to alter or amend the same at pleasure; *Provided*, The same be not inconsistent with the constitution or laws of the State of Alabama, and three of said board of trustees shall be a quorum to do business, but they shall not at any meeting make any contract incurring any pecuniary liability, unless notice of such meeting has been given to three-fourths of the members of said board, at least three days previous thereto; *Provided*, This article shall not be construed so as to prevent a majority of the whole board, at any meeting, without such notice, to create any debt or incur any pecuniary liability not exceeding the amount of cash on hand, and notes esteemed good then in their possession," be and the same are hereby amended so as to read as follows:

Amended
section 1.

Section 1. Be it enacted by the General Assembly of Alabama, That a female college be and the same is hereby established in the town of Tuskegee, in the county of Macon, to be known as "The Alabama Conference Female College."

Amended
section 2.

Sec. 2. Be it further enacted, That Robert F. Ligon, William J. Gautier, James E. Cobb, Ethelbert S. Smith, William M. Motley, John W. Rush, and Josiah Bancroft, and their successors be and the same are hereby constituted a body politic and corporate, to be known by the name and style of the "Trustees of the Alabama Conference Female College," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded as natural persons; make, seal, deliver, and receive titles to property, both real and personal; may receive donations, bequests, and devises of real and personal property, choses in action and money, and do such other acts as bodies corporate may do and perform, needful or necessary to the establishment and perpetuity or prosperity of said college,

and they may have and use a seal, with such device or devices as they may deem meet, and the same at pleasure revoke; *Provided*, That in making titles to real property, under order of the board of trustees, the same shall be signed by the president and countersigned by the secretary; *Provided further*, That this article shall not be construed so as to effect the titles to said college property, or to give said trustees any control of said titles now in the Alabama Conference of the Methodist Episcopal Church South, and the titles to property hereafter received by said trustees, shall be taken by them in the name of said conference, except in case of donation, bequest, gift, or devise, when the person making the same shall otherwise direct; *Provided further*, That said board of trustees shall never consist of a greater number than seven.

Section 3. Be it further enacted, That the board of trustees shall have power to elect from their own body a president, vice-president, treasurer, secretary and such other officers as they may deem necessary to a proper organization and management of the trust herein confided, and assign to each their respective duties; they shall have power to fill all vacancies which may occur in the board by death, resignation, or otherwise; *Provided*, That in filling such vacancies the said board shall be governed by such directions as may be given by the said Alabama conference; *Provided further*, That the members of the board of trustees may be removed by said conference at any of its annual sessions, and their places supplied by members elected by said conference, and the trustees so elected shall have and exercise all the rights, privileges, powers, and franchises conferred by this act, and the act of which this is an amendment.

Amended
section 3.

Section 4. Be it further enacted, That said board shall further have power to elect professors, tutors, and other officers of said college as they may think proper, and fix their salaries with such powers and duties severally and collectively as the board may prescribe or allow, and who shall constitute the faculty of said college, and who may instruct in all the arts and sciences, grant diplomas, and confer all the

Amended
section 4.

degrees of literary distinction usual in similar female institutions of learning in the United States. The said trustees shall also have power to form or adopt a code of by-laws for the government of said college, and for their own government, and to alter or amend the same at pleasure; *Provided*, The same be not inconsistent with the constitution or laws of the State of Alabama, and a quorum of said board to do business, shall be as provided for in said code of by-laws, and under such restrictions and limitations of authority as therein provided.

Section 5. Be it further enacted, That the said sections 1, 2, 3, and 4 of the original act of which this is amendatory, be and they are hereby repealed. and that said original act remain otherwise in full force.

Approved March 28, 1873.

No. 317.]

AN ACT

To repeal section six of an act passed February 7, 1852, to incorporate the Baptist Female Institute at Moulton, which said section was amended March 3, 1870, and which was amended on the 5 of December, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section six of an act passed February 7, 1852, to incorporate the Baptist Female Institute, at Moulton, which said section was amended on the 3d of March, 1870, and was further amended on the 5th day of December, 1871;

SEC. 2. *Be it further enacted*, That from and after the passage of this act, that section six of said act, that was passed February 7, 1852, and the amendment thereto, to-wit; On the 3d of March, 1870 and also on the 5th day of December, 1871, be and the same is hereby repealed.

Approved April 22, 1873.

No. 318.] AN ACT

To repeal an act incorporating the Clintonville Academy, in Coffee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act to incorporate the Clintonville Academy, in Coffee county, approved January 11, 1860, and all subsequent acts in reference to the same, be and the same are hereby repealed.

Approved, March 28, 1873.

No. 319.] AN ACT

To amend section seven of an act to incorporate the Stonewall Insurance company, approved February 10, 1866.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section seven of an act to incorporate the Stonewall Insurance company, approved February 10, 1866, which is in the following words, viz: "That the affairs of the company shall be conducted by a board of thirteen directors, to be chosen by the stockholders, who shall hold their office for one year or until their successors are elected; and the directors so elected shall choose one of their number president of the company. No person shall be elected a director unless he is a stockholder in said company. In all elections, each stockholder shall be entitled to one vote for each share of stock held by him," be and the same is hereby amended, so as to read as follows, viz: "That the affairs of the company shall be conducted by a board of fifteen directors, to be chosen by the stockholders, who shall hold their office for one year, or until their successors are elected, and the directors so selected, shall choose one of their number president of the company. No person shall be elected a director unless he is a stockholder in said company. In all elections, each stockholder shall be entitled to one vote for each share of stock held by him."

Recitation.

Section as amended.

Approved, March 22, 1873.

No. 320.]

AN ACT

To amend and revise an act entitled an act to incorporate "the Tuskaloosa Saving's Association," approved February 15, 1867.

Recitation.

Section as amended.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1 of said act mentioned in the title of this bill, which reads as follows to-wit: Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Alabama convened, That Charles M. Foster, William L. Foster, John Glascock, Augustine Lynch and Thomas Maxwell, and their associates and successors, be and they are hereby created a body corporate, by the name and style of "The Tuskaloosa Savings Association," and by that name to sue and be sued in any and all the courts of this State, and may purchase and hold property of all descriptions; to make and use a common seal and generally to do any act necessary to carry into effect the object of the corporation not inconsistent with the constitution or the laws of this State or of the United States," be and the same is hereby amended and revised, so as to read: Section 1. Be it enacted by the General Assembly of Alabama, That Charles M. Foster, Thomas Maxwell and their associates and successors be and they are hereby created a body corporate, by the name and style of the Tuskaloosa Savings Association, and by that name to sue and be sued in any of the courts of this State, and may purchase and hold property real, personal and mixed, including choses in action to the amount of one hundred thousand dollars in value, to make and use a common seal, and generally to carry into effect the objects of the corporation, not inconsistent with the constitution or the laws of this State or of the United States; *Provided.* Said association shall commence business within two years from the approval of this act.

Approved April 13, 1873.

No. 321.]

AN ACT

To amend section one (1) of the charter of the Elyton Land company, in Jefferson county, Alabama, incorporated under the general laws of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of the charter of the Elyton Land company, a corporation incorporated under the general laws of Alabama, on the eighth day of December, eighteen hundred and seventy, which reads as follows, to-wit. "That this association shall not engage in the erection of any buildings except one hotel and the necessary out houses, which shall not exceed a cost of ten thousand dollars, and said hotel and out houses shall not be erected unless first assented to by stockholders holding three-fourths of the shares, to be ascertained by a vote of the stockholders," be so amended as to read as follows, viz :

Recitation.

Section 1. "That said Elyton Land company be and are hereby authorized to contract for and hold property and water works for the use of the city of Birmingham, and for the lands and property of said Elyton Land company ; and said Elyton Land company are hereby freely authorized to engage in such other works of improvement not already authorized by its charter as the stockholders of said Elyton Land company may unanimously vote for ; *Provided,* That the construction of water works having already been acted on by said stockholders, shall not require a unanimous vote in any matter whatsoever appertaining to the construction, enlargement or management of said water works."

Section as amended.

Approved April 19, 1873.

No. 322.]

AN ACT

To amend and increase the capital of the Ohio and Alabama Manufacturing company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That, whereas, the Ohio and Alabama Manufacturing and Mining company has heretofore been incorporated under the general laws of the State; and, whereas, The said company desire to increase their capital to a larger amount than the general laws of the State authorize. The said Ohio and Alabama Manufacturing and Mining company be, and they are hereby authorized and empowered, to increase their capital and investment to the sum of five hundred thousand dollars, without the forfeiture of any right, privilege or franchise secured to them by law.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict herewith, so far as the said company is concerned, be and the same are hereby repealed.

Approved April 23, 1873.

No. 323.]

AN ACT

To amend and increase the capital of the Manchester Mining and Manufacturing company of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That, whereas, The Manchester Mining and Manufacturing company of Alabama has heretofore been incorporated under the general laws of the State; and, whereas, The said company desires to increase their capital to a larger amount than the general laws of the State authorize, The said Manchester Mining and Manufacturing company of Alabama be, and they are hereby authorized and empowered, to increase their capital and investments to the sum of five hundred thousand dollars, without the forfeiture of any right, privilege or franchise secured to them by law.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict herewith, so far as the said company is concerned, be and the same are hereby repealed.

Approved, April 10, 1873.

No. 324.]

AN ACT

To amend the first, second and third sections of an act entitled "an act to incorporate the Alabama Petroleum and Lamp company."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the first, second and third sections of an act entitled "an act to incorporate the Alabama Petroleum and Lamp company," approved February 8, 1866, be and the same are hereby amended as hereinafter set forth and declared; that is to say, that the first section of said act, which is in the following words, to-wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Isaac I. Moses, Abraham J. Moses and John W. Lapsley, their associates and successors be and they are hereby created a body corporate, by and under the name and style of 'The Alabama Petroleum and Lamp company,' and by that name shall have continual succession for twenty-five years, and may sue and be sued, plead and be impleaded, contract and be contracted with, and do all manner of business proper and lawful to be done under the powers and privileges vested in said company under this act," be and the same is hereby amended so as to read and stand as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That Isaac I. Moses, Abraham J. Moses and John W. Lapsley, their associates and successors be and they are hereby created a body corporate, by and under the name and style of "The Alabama Coal and Iron company," and by that name shall have continual succession, and may sue and be sued, plead and be impleaded, contract and be contracted with, and do all manner of business proper and lawful to be done in connection with or in relation to the business of mining, manufacturing, transporting and selling petroleum, salt, coal, iron and other minerals, and are hereby vested with all power and authority necessary to carry on the business aforesaid.

Recitation of
section 1.

Amended
section 1.

RECITATION OF SECTION 2.

SEC. 2. *Be it further enacted,* That the second section of said act, which is in the words following: "Section 2. Be it further enacted, That said company shall be and they are hereby authorized to bore or mine for petroleum oil, or salt or other minerals within this State, and for this purpose may lease or purchase and own such tract or tracts of land as may be required in their business; and may construct and use such road or roads and ways, and may purchase or construct and own and use all such machinery, implements and materials and structures and buildings as may be needful and convenient in their business, or any part thereof. Said company shall be and they are hereby authorized and empowered to manufacture or procure the manufacture or refining of petroleum oils and other oils and materials suitable for purposes of lubrication, or illumination or painting, and other useful purposes, and lamps and lamp fixtures and appurtenances of all kinds, and may purchase and vend the same in such quantities and at such place or places as in their judgments will best subserve the convenience of the public desiring supplies of said articles and materials, and at places from whence they can be most conveniently distributed," be and the same is hereby amended so as to read as follows:

AMENDED SECTION 2.

SEC. 2. *Be it further enacted,* That said company shall be and they are hereby authorized to bore and mine for and manufacture, transport and sell petroleum, salt, coal, iron and other minerals within this State, and for this purpose may lease, purchase or otherwise acquire, and may own and use such tract or tracts of land as may be by said company deemed desirable in their business, in the same manner and to the same extent that a private individual could own, use or acquire the same; and may build, construct and use such railroads and tramways as may be needful and convenient in said business, and may charge and collect freight, fare and toll for the use thereof; and may build, buy, purchase or otherwise lawfully acquire such buildings, machinery, structures, implements, rolling-stock, equipments or other personal property as may be needful and convenient in said business, and may hold, use and enjoy said

real and personal property, and derive profit therefrom in like manner as a private individual could do; *Provided*, That said company shall not claim or receive any endorsement by the State, of any bonds for or on account of any railroad built by it. *And provided, further*, That said company shall have power to construct only such railroads and tramways as may be needful and convenient for the transportation of the products of their mines and of their manufacturers, and of their agents, servants and employees, and of the merchandise and supplies needful and convenient for the supply and support thereof; nor shall anything in this act contained be construed so as to confer on said company the power to condemn lands for the purpose of constructing such railroads or tramways, or for any other purpose of said company, or for constructing railroads in the State of Alabama elsewhere than in the localities of their said manufactories and mining operations, and for the purpose of transit and transportation to and from the same.

SEC. 3. *Be it further enacted*, That section three of said act, which is in the words following, to-wit:

“Sec. 3. Be it further enacted, That the capital stock of said company shall be and the same is hereby fixed at one hundred thousand dollars, to be divided into shares of one hundred dollars each; but the capital stock may be increased at the option of said company to such amount as the company may deem proper, not exceeding the sum of six hundred thousand dollars,” be and the same is hereby amended so as to read as follows: Sec. 3. Be it further enacted, That the capital stock of said company shall be and the same is hereby fixed at five hundred thousand dollars, to be divided into shares of one hundred dollars each; but the capital stock may be increased at the option of said company to such amount as the company may deem proper.

Recitation of section 3.

Amended section 3.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same is hereby repealed.

Approved April 19, 1873.

No. 325].

AN ACT

To amend the charter and constitution of the Montgomery Mutual Building and Loan Association.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the constitution of the Montgomery Mutual Building and Loan Association, as set forth in the first section of the charter, or act, incorporating the said association, which is in the following words, to-wit:

Recitation of
section 1.

“Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That David Browder, William B. Gilmer, E. C. Hannon, Thomas Joseph, William C. Bibb, Myer Lehman, Robert C. Fariss, Joseph Goetter, Thomas J. Molton, Alfred H. Moses, John Whiting, William H. C. Price, Alexander H. Given, Andrew L. O'Brien, and M. L. Moses, be, and they are hereby created a body corporate and politic, by the name of the Montgomery Mutual Building and Loan Association, and by that name may sue and be sued, contract and be contracted with, make, have, and use a common seal, and the same break, alter and renew at pleasure; acquire, hold, enjoy, sell and convey all such real estate, or other property, as may be necessary or convenient for the transaction of its business, or which may be conveyed to it for the security or payment of any debt, which may become due or owing to the said association in the ordinary course of its business; and make all such rules, regulations, and by-laws, not inconsistent with the constitution and laws of the United States, or the State of Alabama, as may be deemed necessary or convenient for the proper transaction of the business of the association, and generally may do any act necessary to carry into full force and effect the following constitution:

ARTICLE I. TITLE AND OBJECT.

This association shall be entitled “The Montgomery Mutual Building and Loan Association,”

and shall have for its object the accumulation of a fund, by monthly subscriptions, or savings of the members thereof, to assist them in procuring for themselves such real estate as they may deem desirable.

ARTICLE II. MEMBERS.

Section 1. The members of this association shall be male and single female residents of the United States, of twenty-one years of age and upwards. Married females and minors may hold property in the association by trustees, and not otherwise.

Sec. 2. Each stockholder, for each share of stock by him or her held, shall pay the sum of one dollar in par funds, on subscribing, and the same amount on the 2d Saturday of every month thereafter, to the treasurer, or such other person or persons as shall, from time to time, by the laws and regulations of the association, be authorized to receive the same, until the value of the whole stock shall be sufficient to divide to each share of stock the sum of two hundred dollars.

Sec. 3. When each stockholders, for each and every share of stock by him or her held, shall have received the sum of two hundred dollars, then this association shall determine and close; *Provided, always,* That any stockholder having obtained an advance in the manner prescribed under article the eighth, shall be debited in his account with the premium paid thereon.

Sec. 4. Should any stockholder fail to meet his or her dues, as often as the same shall be payable as aforesaid, he or she shall be charged for each default ten cents per month for every dollar remaining unpaid, which charge shall continue for every month that the same shall remain unpaid; and the association shall have a lien on the stock, as well for the dues as for the fines so remaining unpaid.

Sec. 5. Should any stockholder neglect or refuse to pay his or her monthly dues or fines, for more than three months, he or she shall receive from the treasurer the amount of dues actually paid, with no allowance for interest thereon, first deducting all

finer and arrearages, with his or her proportionate part of any losses and expenses sustained, and then cease to be a member of this association.

Sec. 6. Should any stockholder, not having received an advance, wish to withdraw from the association, he or she shall be entitled to receive from the treasurer the amount of dues actually paid, first making the deductions provided for in the fifth section of this article; *Provided however*, That no stockholder wishing to withdraw shall give less than one month's notice to the directors of his intention. Transfers of stock may at any time be made in the presence of the treasurer, attested by his signature; but no transfer shall be valid, until all arrearages or fines that may be due upon said stock shall have been fully discharged. Such transfer must be made at least thirty days before an election, to entitle the holder thereof to vote.

Sec. 7. In the event of the death of a member who has received no portion of his or her stock in advance, the heirs or legal representatives of the deceased may continue his or her relation to the association, but if within four months after the death of a member his or her legal representative shall not continue his or her relation to the association by coming forward and paying up all dues, fines and arrearages, then the treasurer shall on demand by such legal representative, pay over to him or her the amount paid upon such stock, with the addition of eight per cent. interest per annum on the same, first deducting all charges for fines, arrearages, and his or her proportion of the losses and expenses of the association; and then he or she shall cease to be a member of the association.

Sec. 8. No stockholder shall hold, either in his own right, or as trustee, or in any other manner, more than two hundred shares.

Sec. 9. Each stockholder, for each and every share of stock by him or her held, either in their own right or as trustee, shall be entitled, at an annual election or special meeting, to one vote for the election of officers, and other purposes.

Sec. 10. Each member, upon subscribing for a share or shares, and making the first monthly payment on the same, shall be entitled to a certificate of such share or shares, specifying the number and amount thereof, respectively, signed by the treasurer, and countersigned by the president; which certificate shall be evidence of his title thereto.

Sec. 11. Each stockholder shall sign this constitution; thereby obligating himself or herself to pay punctually his or her monthly dues, interest and fines, and to fulfil all other requisitions herein contained.

Sec. 12. A member, not personally present, may delegate his or her power to a proxy, by writing under his or her hand and seal, to be filed with the secretary, and said party shall be entitled to act in the stead of his principal, as fully as said principal would be if personally present.

ARTICLE III. OFFICERS.

The officers of this association shall be a president, treasurer, secretary and six directors, (exclusive of the president, who shall be *ex officio*, a member of the board,) all of whom must be stockholders. They shall be elected at the annual meeting in April, in each and every year. A majority of all the votes represented or present shall determine an election. Should any officer die or resign, in the interim between one annual election and another, the board of directors shall have power to supply the vacancy.

ARTICLE IV. PRESIDENT.

It shall be the duty of the president to preside at all meetings of the association and board of directors, and to perform all other duties usually pertaining to his office. He shall have power to call a special meeting of the association, whenever he may deem it advisable. In case of the absence of the president, the board of directors shall appoint one of their number to fulfill his duties *pro tempore*.

ARTICLE V. TREASURER.

It shall be the duty of the treasurer to receive all monies paid into the association, and to pay all orders drawn on him by authority of the board of directors, when signed by the president, and countersigned by the secretary. He shall receive, and hold in trust for the association, all bonds, mortgages, policies of insurance, and other paper in connection with property on which money is loaned, first giving his receipt therefor to the secretary. It shall be his duty and he is hereby empowered to give releases and acquittances for all sums of money paid to the association, upon any bond, note, mortgages or other security, and if necessary, acknowledge satisfaction of the same on record. He shall keep accurate accounts with the stockholders, and of all monies paid into the association. His book shall be subject to the inspection of the board of directors, and he shall be prepared at all times to inform the members of the state of their accounts, and, at the annual meeting, furnish a detailed statement of the finances of the association. He shall give satisfactory bonds for the faithful performance of his duties; shall receive such compensation for his services as the board of directors may determine; and, at the expiration of his term of office, deliver over to his successor all monies, books and papers in his possession, belonging to the association.

ARTICLE VI. SECRETARY.

It shall be the duty of the secretary to keep correct minutes of the proceedings of the association, and of the board of directors, and record the same in a book or in books provided for the purpose. He shall attest all orders drawn on the treasurer for the payment of money, under the authority of the board of directors, and notify the directors and stockholders of the monthly and annual meetings, by advertisement in one or more newspapers, at the expense of the association. He shall have charge of all books and papers belonging to the association except such as are entrusted to the treasurer, and

deliver up the same, in good condition, to his successor in office.

ARTICLE VII. DIRECTORS.

Sec. 1. It shall be the duty of one or more of the board of directors to meet statedly on the second Saturday of each and every month, unless otherwise ordered by the association, (at such place as the board may direct,) with the stockholders, to dispose of the funds according to the constitution, and to conduct the business of the association generally.

Sec. 2. They shall hold, on the fourth day after the monthly meeting, a special meeting, and other meetings as often as may be necessary, for the consideration of securities offered ; and shall be empowered to appoint a solicitor for the association, whose business it shall be to examine all titles, and draw up all papers in connection with said securities. And in no case shall an order be drawn upon the treasurer for an appropriation, until the necessary searches in the courts of record shall have been made, and the solicitor certifies to the satisfactory character of the security offered. The charges for investigating titles, and preparing all necessary mortgage deeds and instruments in favor of the association, shall not in any case, exceed the sum of five dollars, unless under special circumstances, when the fee shall be determined by the directors. The solicitor's charges shall be paid by the members on whose account they are incurred, or deducted out of the money they may be entitled to receive for any share or shares in advance, in the mode hereinafter prescribed.

Sec. 3. A majority of the directors shall constitute a quorum. They shall be empowered to fill all vacancies that may occur in their number, and to adopt any regulation for their government not disagreeing with this constitution.

Sec. 4. They shall, from time to time, inspect the books and accounts kept by the treasurer, and shall order a full statement of the affairs of the association to be annually prepared by that officer, at least seven days before the annual meeting of the mem-

bers, at which meeting such statement shall be submitted, after having been first audited and signed by three members of the association, selected by the board.

Sec. 5. All orders on the treasurer must be sanctioned by a majority of the board, and signed by the president and secretary.

ARTICLE VIII.—ADVANCES.

Sec. 1. Each stockholder, for each and every share of stock he or she may hold in the association, shall be entitled to purchase an advance of stock of two hundred dollars, and no more.

Sec. 2. The amount paid into the treasury each month shall, at the monthly meeting of the members, be sold, at public outcry, to the highest bidder or bidders, among them; *Provided*, The same be not sold under par, and be secured by real estate fully equal in value to the net sum advanced. Should it so occur that the funds of the association remain unproductive and uncalled for, for the space of two months, the directors are authorized to loan what may be on hand to others than stockholders, if it be safely invested and repaid within one year.

Sec. 3. Any stockholder taking an advance, shall allow to be deducted the premium offered by him or her for the same, and shall secure the association, for such advance, by note and mortgage containing a power of sale, which shall render foreclosure unnecessary, and policy of insurance renewed annually at his or her expense. He or she shall further pay all costs that may occur for examining titles, drawings, acknowledging, recording and releasing all papers in connection with said security.

Sec. 4. For each advance of two hundred dollars made to a stockholder, one share of stock shall be assigned as collateral security. In case of failure to offer sufficient security for an advance, within sixty days from the date of the purchase, each month's interest shall be charged to said purchaser, together with all costs for the examination of titles, and his or her right to such purchase shall cease, and the said sum of money so bid off shall be re-sold for

account and risk of the former purchaser, whose stock shall be chargeable with any loss or reduction of premium for which the same shall be re-sold.

SEC. 5. Any stockholder taking an advance shall pay to the treasurer, in addition to his other monthly dues, one dollar and thirty-three and one-third cents per month, for each share, or at the rate of eight per cent per annum on the whole amount, including the premium. And in case of failure to pay the same monthly, shall be subject to the same fines on said interest money as are incurred by defaulting installments, under the 4th section, 2d article of this constitution.

Sec. 6. The amount paid in on stock shall be deemed good security for three-fourths of the amount bid off, (in the discretion of the board of directors.)

Sec. 7. Should any stockholder having any portion of his or her stock in advance, neglect or refuse to pay any or all of his dues to the association, for three successive months, then the directors may compel payment of principal and interest by proceeding on the note and mortgage according to law. When any sale shall take place of any property mortgaged to the association, the directors shall have power to retain and apply so much of the purchase money as would be required to redeem the property pursuant to the provisions contained in the ninth article of this constitution, together with all other payments, moneys and expenses due to the association, and shall pay the surplus thereof to the mortgagor; *Provided however*, That the monthly fines shall continue until a sale of the property.

Sec. 8. In the event of the death of a stockholder, who has received a portion of his or her stock in advance, the heirs or legal representatives of the deceased shall be entitled to continue his or her relation to the association, the proper change of name, &c., being first made in the security papers; or should they be not able or willing to do this, then the directors shall act as in the case above specified.

ARTICLE IX SALE, SUBSTITUTION OR RELEASE OF MORTGAGES.

Sec. 1. Should any stockholder, who has executed a mortgage to the association, be desirous of selling the mortgaged property, subject to the mortgage, he or she shall be at liberty so to do, with the consent of the directors, upon first duly transferring the shares secured by said mortgage to the intended purchaser; and upon such transfer being completed, and arrears due to the association from the mortgagor being paid, and the conveyance to the purchaser executed, such purchaser shall thenceforth become liable to pay all the monthly dues and interest payable in respect to such shares, and the directors may grant to the original mortgagor, and at his or her cost and charges, a release from all future liability in respect thereof.

Sec. 2. It shall be lawful for any stockholder, having executed a mortgage in favor of the association, to substitute, at his or her own expense, and subject to the approval of the directors, any other real estate as security to the association in lieu of that originally mortgaged.

Sec. 3. Should any stockholder desire to have his or her property discharged from mortgage before the association shall have regularly terminated, he or she shall be allowed so to do, by paying into the hand of the treasurer such a sum of money as shall at the rate of premium the funds are then selling, produce the same monthly payment of interest as that which said stockholder had been previously paying on his or her advance; *Provided*, Such sums shall in no case be less than the net amount actually receive by him or her; *And provided further*, That no release shall be given until the money paid for such release shall have been sold, and the security offered for the same be approved by the directors, and the papers connected therewith duly executed, such stockholder paying all costs connected with the redemption of the mortgaged property.

ARTICLE X FINES.

In addition to the fines mentioned in the fourth section of the first article, any officer of the association, for neglecting to attend any of the annual or special meetings, shall be fined for each and every such neglect, the sum of one dollar ; nor shall such fines be remitted in any case other than sickness or absolute necessity.

ARTICLE XI.

The number of shares shall not exceed four thousand, and this constitution shall be unalterable,—
 be and the same is hereby so amended as to give ^{Amendment.} full power and authority to the board of directors of the said association, at each monthly meeting to prescribe and fix the minimum rate, at which the funds then on hand shall be sold ; and if no stockholder present desires a loan or advance at that rate then the said board of directors may, in their discretion, use said funds in purchasing stock, or lend out the same to persons who are not stockholders, at such rate of interest as they may deem advisable ; and the said board of directors shall also have full power and authority to devise and adopt some plan or arrangement, by which the affairs of the said association may be finally closed and settled as speedily as they, in their discretion, may deem most conducive to the interest of the stockholders ; *Provided however*, That this act shall not become valid and binding until it shall have been submitted to a vote of the stockholders, at the next annual meeting, and been, by them accepted and ratified by an affirmative vote of two-thirds of the stockholders present and voting as in case of elections.

Approved, April 19, 1873.

No. 326.]

AN ACT

To amend an act to incorporate the Mobile Magnolia Association and to amend an act entitled an act to authorize the construction of a plank or shell road, along the Bay of Mobile, approved February 10, 1854, and the amendments thereof, approved January 6, 1856, and January 20, 1854.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two (2) of and act entitled an act "to incorporate the Mobile Magnolia Association, and to amend an act entitled an act to authorize the construction of a plank or shell road along the Bay of Mobile," approved February 10, 1854, and the amendments thereof, approved January 6, 1856, and January 20, 1854, which reads as follows: "Sec. 2. And be it further enacted, That said association may increase its capital to any amount not exceeding fifty thousand dollars, and that said capital stock shall be divided into shares of five hundred dollars each," be so amended as to read as follows: Sec. 2. Be it further enacted, That the capital stock of the Mobile Magnolia Association shall not exceed fifty thousand dollars and that it shall be divided into shares of one hundred dollars each.

Section as amended.

SEC. 2. *Be it further enacted* That said association shall have authority to hold meetings for agricultural and mechanical fairs, at such times as they may determine, and to issue and dispose of tickets of proper denominations to permit persons and vehicles to pass over their shell road, and for the admission of visitors within the enclosure, in which meetings for any of the purposes above stated, are held.

Authority to issue tickets.

SEC. 3. *Be it further enacted,* That said association shall not be assessed or required to pay any taxes except for State purposes, upon any of its possessions, while they are used for any of the purposes specified in the second section of this act; *Provided* That such meeting be conducted in such manner that all persons, without regard to race, color or previous condition, be permitted to participate freely in all the proceedings of such meetings.

Limitation of tax.

SEC. 4. *Be it further enacted*, That section (2) two of the act herein amended as it now stands in the statute, be and the same is hereby repealed.

Approved April 4, 1873.

No 327.]

AN ACT

To amend section two (2) of an act to incorporate a Medical College of the State of Alabama, at Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two (2) of "an act to incorporate a medical college of the State of Alabama, at Montgomery," approved December 20, 1849 which reads as follows: Sec. 2 Be it further enacted, That the said board of trustees shall consist of eleven members, viz; Francis Bugbee, Charles T. Pollard, E. Y. Fair, Robert J. Ware, Silas Ames, A. B. McWhorter, H. W. Henry, Samuel D. Holt, James Berney, John McLester and William H. Rives. who shall elect a president from themselves, be amended so as to read as follows :

SEC. 2. *Be it further enacted*, That the said board of trustees shall consist of eleven members, viz: David P. Lewis, Joseph Bradley, William O. Baldwin, Josiah Morris, James Berney, John A. Elmore D. S. Troy, Charles T. Pollard, Joel White, T. J. Judge and B. H. Micou, who shall elect a President from themselves.

Amended
section.

SEC. 2. *Be it further enacted*, That section 2 of said act as it now stands is hereby repealed.

Approved, April 4, 1873.

No. 328.]

AN ACT.

In relation to the corporation known as the "Mobile Theandric."

Additional
powers.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in addition to the powers conferred by the general laws of this State, on the subject of corporations, it shall be lawful for the Mobile Theandric, a corporation formed under said laws to borrow money, and issue bonds for the payment thereof, on such terms as said corporation may agree, not in conflict with the laws of this State, and secure the same by mortgage of its real or personal property.

Lien created.

SEC. 2. *Be it further enacted,* That to ensure to said corporation the fulfilment of all contracts made with it for the performances, exhibitions and amusements, which it is the object and purpose of said corporation, to provide for the entertainment of the public, and to indemnify it against loss or damage by the non-performance of their contracts, the said corporation shall have a lien upon the personal property, scenery, wardrobe, baggage and instruments of all persons with whom said corporation may contract for performances, exhibitions and entertainments to be enforced, by seizure thereof on warrant issued, by the clerk of any circuit or city court, upon the oath of the president or any director or officer of said corporation, and thereafter to be dealt with and sold as property seized, on process of attachment.

Power to ap-
point police.

SEC. 3. *Be it further enacted,* That to preserve order and for the enforcement of its reasonable rules, the said corporation may appoint such police officers as it may see fit, who within and upon the premises of said corporation, shall have power to arrest offenders and deliver them to the proper officer to be dealt with according to law, the same as officers of the city or municipal corporation wherein such premises may be situated.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict herewith be, as to the purposes of this act, and the same are hereby repealed.

Approved April 12, 1873.

No. 329.]

AN ACT

To amend sections 1, 2, 3 and 7 of an act entitled "an act to incorporate the Shelby Coal Company," approved February 8, 1858.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 1, 2, 3 and 7 of an act entitled "an act to incorporate the Shelby Coal Company," which are in the following words and figures: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That George D. Shortridge, Edward T. Watts, John W. Lapsley, Joseph R. John, Daniel W. Prentice and Edward Gantt, and their immediate successors, and such other persons as may be hereafter associated with them and their successors, be and they are hereby constituted a body corporate by the name and style of the "Shelby Coal Company," and by that name may hold, purchase, receive and enjoy, to them and their successors, lands, tenements, and hereditaments, rents, profits, goods and property of whatsoever kind, nature, quality and quantity may be deemed necessary in the digging, mining, transporting and selling of coal; and may likewise sell, grant, devise, or dispose of the same at their will. They shall also have power to sue and may be sued, and to plead and be impleaded in all courts having jurisdiction; they may make a common seal and alter the same at pleasure; they may elect such officers, enact such laws and adopt such ordinances as may be necessary for the organization, the government and the successful operations of the company, not inconsistent with the laws of the land, and in general may have such powers, privileges and immunities as belong to like corporations."

Recitation of
section 1.

"Sec. 2. Be it further enacted, That the capital stock of said company shall be two hundred thousand dollars, with the privilege to increase the same to five hundred thousand dollars, and to this end and for the uniform and better regulation of the af-

Recitation of
section 2.

fairs of this company; they shall have the privilege of prescribing the number of shares into which the capital stock may be divided. the mode in which it shall be taken, paid, transferred or assigned, the manner by which the stockholders may cast their votes, and the number of votes to which each share shall be entitled."

Recitation of
section 3.

"Sec. 3. Be it further enacted, That said company are hereby authorized and empowered to locate, construct and bring into final completion one or more railways, with single, double or treble tracks, at their option, from their mines in the Cahaba coal fields to such depot or depots as they choose to establish on or along the line of the Alabama and Tennessee river railroad, or on or along the line of the Central railroad, and to transport persons and property, minerals and produce upon said railways, by the power of steam or any other motive or mechanical power which they may apply."

Recitation of
section 7.

"Sec. 7. And be it further enacted, That said company are authorized, in addition to the regular depots contemplated in the foregoing sections to establish depots and all necessary fixtures for the transaction of their business in the cities of Selma, Montgomery and Mobile and in the towns of Marion and Union Town under like powers, rules and restrictions contained in sections five and six of this act;" be and the same are hereby amended so as to read as follows :

Amended
section 1.

Section 1. Be it enacted by the General Assembly of Alabama, That George D. Shortridge, Edward T. Watts, John W. Lapsley, Joseph R. John, Daniel W. Prentice, and Edward Gantt, and their immediate successors, and such other persons as may be hereafter associated with them, or may have become vendees of them or either of them, and their successors, be and they are hereby constituted a body corporate by the name and style of the "Shelby coal company," and by that name may hold, purchase, receive and enjoy to them and their successors, lands, tenements and hereditaments, rents, profits, goods and property of whatsoever kind, nature, quality and quantity may be deemed necessary or useful in the digging, mining, transporting and sell-

ing of coal and iron ore and in making, smelting, manufacturing and selling iron; and may likewise sell, grant, devise or dispose of the same at their will; and all purchases and acquisitions of iron and timbered lands heretofore made by the company, or any person for the company, are hereby deemed as ratified and confirmed. They shall also have power to sue and be sued, to plead and be impleaded in all courts having jurisdiction; they may make a common seal and alter the same at pleasure; they may elect such officers, enact such laws, and adopt such ordinances as may be necessary for the organization, the government and the successful operation of the company, not inconsistent with the laws of the land, and in general may have such powers, privileges and immunities as belong to like corporations.

Sec. 2. Be it further enacted, That the capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege to increase the same to one million dollars, and to this end, and for the uniform and better regulation of the affairs of this company, they shall have the privilege of prescribing the number of shares into which the capital stock may be divided, the mode in which it shall be taken, paid, transferred or assigned, the times and places of meetings for stockholders or directors, whether in or out of the State, the manner by which the stockholders may cast their votes, and the number of votes to which each share shall be entitled; and any meeting of stockholders heretofore held in the city of New York shall have the same validity and effect as if the same had been held within this State.

Amended
section 2.

Sec. 3. Be it further enacted, That said company are hereby authorized and empowered to locate, construct and bring into final completion, one or more railways, with single, double or treble tracks at their option from their mines, works, ore-beds and coal-ing and coking grounds, to such depot or depots as they choose to establish on or along the lines of the Selma, Rome and Dalton railroad, the Louisville, Nashville and Great Southern railroad, the Alabama and Chattanooga railroad, and the Mobile and Grand Trunk railroad, and to transport persons and prop-

Amended
section 3.

erty, minerals and produce upon said railways by the power of steam or any other motive or mechanical power which they may apply.

Amended
section 7.

Sec. 7. And be it further enacted, That said company are authorized, in addition to the regular depots contemplated in the foregoing sections, to establish depots and all necessary fixtures for the transaction of their business in the cities of Selma, Montgomery, Mobile, Birmingham, Eutaw, and Tuska-loosa, under like powers, rules and restrictions contained in sections five and six of this act.

SEC. 2. *Be it further enacted,* That said sections 1, 2, 3 and 7, as the same originally stood, be and are hereby repealed.

Approved, March 14. 1873.

No. 330.]

AN ACT

In relation to the annual "Alabama conference of the Methodist Episcopal Church South," and to define the boundaries, rights, and franchises of said conference, and of the North Alabama conference of said church.

Preamble.

WHEREAS, By an act of the General Assembly of the State of Alabama, entitled "an act in relation to the Annual Alabama Conference of the Methodist Episcopal Church South," approved January 25, 1871, the boundaries of said conference were not distinctly stated and defined; and

WHEREAS, By the action of the General Conference of said church, held in the city of Memphis, in the year 1870, the limits and boundaries of said conference were defined to be "all that portion of the State of Alabama which lies south of a line commencing at the south-west corner of Pickens county, and running east with the county lines of Pickens and Tuskaloosa counties, and on the same latitude to the Coosa river, thence down said river to the southern county line of Coosa county, thence east with said line, and on the same latitude extending to the Georgia State line, and all that portion of the

State of Alabama lying north of said line was organized into and called the North Alabama Conference of the Methodist Episcopal Church South ;" each of said conferences respectively having ecclesiastical jurisdiction, according to the rules and discipline of said church of the ministers, members and property within their respective limits belonging to said church ; now therefore,

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That all the rights, privileges and franchises given, granted and vested in the said annual Alabama Conference by the said act, approved January 25, 1871, are understood and hereby declared to be confined to and within the limits of said conference as defined by the said General Conference.

Certain rights, privileges and franchises confined to certain lines.

SEC. 2. *Be it further enacted,* That all the rights, privileges, and franchises heretofore given, granted, and vested in the annual Alabama conference, and the other conferences from which it was composed by the several acts of the General Assembly of the State of Alabama, and by the act of January 25, 1871, explaining, confirming, and enlarging said acts in its ecclesiastical jurisdiction be and the same are hereby given, granted and vested in the North Alabama Conference of the Methodist Episcopal Church South, within its limits and jurisdiction, as fully and to the same extent, and with the same limitations and restrictions as those granted to the Annual Alabama Conference.

Certain rights vested in the North Alabama Conference.

SEC. 3. *Be it further enacted,* That the corporate name of the ministers and members composing said conference by which they may exercise all the powers and privileges of a body corporate, hereby granted, shall be "The North Alabama Conference of the Methodist Episcopal Church South."

Corporate name.

Approved, March 22, 1873.

No. 331.]

AN ACT.

For the relief of the "Alabama Coal and Navigation Company."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the "Alabama Coal and Navigation Company," a body corporate, incorporated under an act entitled an act to amend the corporation laws of Alabama, approved August 12, 1868, be and the same is hereby allowed until the 1st day of September, 1874, to comply with section six of the aforesaid act without any forfeiture of the rights, privileges, or benefits conferred by its charter.
Approved March 25, 1873.

No. 332.]

AN ACT

For the relief of the Alabama Coal and Navigation Company.

Proceedings of
incorporation
ratified.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the proceedings to incorporate the Alabama Coal and Navigation Company, in the probate court of Tuscaloosa county, in pursuance of an act entitled an act to amend the corporation laws of Alabama, approved 12th August, 1868, and in pursuance of a law approved November 18, 1868, entitled an act supplementary to the corporation laws of Alabama, be and the same are hereby ratified and confirmed, so that all the rights, privileges and immunities guaranteed by the laws aforesaid, shall belong to and be enjoyed by the said Alabama Coal and Navigation Company.

No loss by failure
to elect officers.

SEC. 2. *Be it further enacted,* That the said Alabama Coal and Navigation Company shall not in anywise suffer loss or injury as to any of the rights, privileges or immunities guaranteed by the laws of Alabama, under and by virtue of which said company has been incorporated, by reason of having failed to elect their board of directors and other officers, as directed by said laws aforesaid, as well as by reason of any irregularity consequent upon such failure so to elect.

Proceedings of
a certain meeting
ratified.

SEC. 3. *Be it further enacted,* That the proceedings of the meeting of the corporators of said Alabama Coal and Navigation Company, held on twenty-

sixth (26th) day of December, 1872, be and the same are hereby ratified and confirmed; *Provided*, That this ratification shall not in any measure operate so as to enlarge the rights, privileges or immunities of said company, as guaranteed by the enactments of the General Assembly of Alabama.

Approved March 28, 1873.

No. 333.]

AN ACT

For the relief of George W. Cox.

WHEREAS, The said George W. Cox was indicted several years ago in the circuit court of Marengo county; whereas, The state of things under which he was indicted will probably never exist again; whereas, The public good does not require his further prosecution; and, whereas, By affliction he is unable to give bail, and for some time past has been suffering imprisonment; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor of this State be and he is hereby authorized to pardon said George W. Cox at any time he thinks proper, upon a showing satisfactory to him, any law to the contrary notwithstanding.

Approved March 22, 1873.

No. 334.]

AN ACT

To declare Mrs. Mina Beihler, wife of Louis Beihler, of Dallas county; Mrs. Anna Williams, wife of J. A. B. Williams, of Jackson county; Mrs. Mary Spencer, wife of A. S. Spencer, of Jefferson county, and Mrs. Emeline Finley, wife of Wm. P. Finley, of Chambers county, free dealers.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Mrs. Mina Beihler, wife of

Louis Beihler, of Dallas county ; Mrs. Anna Williams, wife of J. A. B. Williams, of Jackson county ; Mrs. Mary Spencer, wife of A. S. Spencer, of Jefferson county, and Mrs. Emeline Finley, wife of Wm. P. Finley, of Chambers county, be and they are hereby declared to be free dealers, and may sue and be sued, contract and be contracted with in reference to real or personal property in all respects as if they were unmarried.

Approved March 15, 1873.

No. 335.]

AN ACT

For the relief of Mrs. Mary Ann Hook, of Pike county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Mrs. Mary Ann Hook, of Pike county, Alabama, be and she is hereby authorized to receive and receipt for all monies due her or to which she may be entitled as legatee or distributee of the estate of any deceased person or persons, the same as if she was a *femme sole*, and the receipt so executed shall be a legal discharge of the parties by whom the payments may be made.

Approved, March 5, 1873.

No. 336.]

AN ACT

To authorize and empower Edith J. Dustan, a married woman, to do and perform certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Edith J. Dustan, a married woman, be and is hereby authorized and empowered to bargain and sell, alien and convey any and all right, title and interest, legal or equitable, which she has or may have in and to any property or rights of property accrued or to accrue to her as heir or dis-

tributee of her late father, Nathan B. Whitfield, and all proper conveyances or deeds for the same, to execute and deliver to all and every intent and purpose, and to have the same legal form and effect as though she were an unmarried woman.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, February 5, 1873.

No. 337.]

AN ACT

To authorize Lucy R. Tayloe, wife of John W. Tayloe, of Hale county, to mortgage her separate estate for the purpose of borrowing money.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Lucy R. Tayloe, wife of John W. Tayloe, of Hale county, be and she is hereby authorized and empowered to mortgage her separate estate for the purpose of borrowing money for the purpose of relieving her separate estate from any incumbrances on the same, and for necessary family supplies, and the mortgage so executed by her (her said husband joining therein) shall be valid and binding upon her in all respects as if she were a *femme sole*.

Approved February 18, 1873.

No. 338.]

AN ACT

To relieve William H. Drake of the disabilities of non-age.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That William H. Drake, a minor of the age of twenty years, residing in the county of Hale, be and is hereby relieved of the disabilities of non-age, and is invested with all the rights, powers and capacities of persons of full age in all matters of business, and may contract and be contracted with, and sue and be sued accordingly.

Approved February 4, 1873.

No. 339.]

AN ACT

To relieve Suan P. Griffin and Letitia H. Griffin, of Lee county, of the disabilities of non-age.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Suan P. Griffin and Letitia H. Griffin, of the county of Lee, notwithstanding their minority, be and they are hereby authorized to sue and be sued, contract and be contracted with, to purchase and convey real estate, and to do all things as fully and to all intents and purposes as effectually as if they were each twenty-one (21) years of age.

Approved, April 22, 1873.

No. 340.]

AN ACT

To relieve William F. Johnston, of the county of Pickens, of the disabilities of non-age.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That William F. Johnston, of the county of Pickens, be and he is hereby relieved from the disabilities of non-age, and he is hereby authorized to contract and be contracted with, to sue and to be sued, to purchase and convey real estate or personal property, and to do all things as fully, and to all intents and purposes, as though he were of the full age of twenty-one years, and that this act take effect from the the first day of November, 1872, as to the State of Alabama and said William F. Johnston, and that he is hereby authorized and empowered and qualified to hold any office to which he may have been elected before the passage of this act, so far as the State of Alabama is concerned, as fully as if he had been of the full age of twenty-one years, when so elected, any law to the contrary notwithstanding.

Approved, March 17, 1873.

No. 341.]

AN ACT

To pay for the advertisement of lands sold by the tax collector of Pike county, and purchased by the State.

WHEREAS, The State of Alabama, on the first Monday of May, 1871, became the purchaser of eight hundred and thirty-eight forties of land, which was bid off for the State by the tax collector of Pike county ;

AND WHEREAS, Said land was advertised by John Post, the publisher of the Troy Messenger, to be sold on the first Monday of March, 1871, and by an act of the Legislature said sale was postponed, and the same was re-advertised by the said Post, to be sold on the first Monday in May, 1871, in accordance with said act ; and the expenses of both advertisements, at the rate of fifteen cents (15 cents) for every forty acres, amount to two hundred and fifty-one and 40-100 dollars, of which amount only sixty dollars have been paid by the State ; Therefore,

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That the Auditor of the State be and he is hereby empowered and instructed to draw his warrant on the State Treasurer in favor of John Post, of Pike county, for the sum of one hundred and fifty-nine and 15-100 dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved, April 2, 1873.

No. 342.]

AN ACT

For the relief of Mrs. F. E. Huske, of Perry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Mrs. F. E. Huske, or her agent, be allowed three months from the passage of this act to redeem her house and lot in the town of Marion, which was bought by the State, by paying to the State and county all taxes due thereon.

Approved February 18, 1873.

No. 343.]

AN ACT

To authorize G. H. McKee, of the county of Choctaw, to redeem certain lands sold for taxes and purchased by the State.

WHEREAS, In the year (1862) eighteen hundred and sixty-two, the tax collector of Choctaw county sold the following described lands, to-wit: Subdivision E, of fractional section thirty-four(34), township 10, range 2 west, for non-payment of taxes for the year 1861, said land having been assessed to John H. Kent; and whereas, at said sale the tax collector aforesaid bid in said land for the State of Alabama for the sum of (\$19.90) nineteen dollars and ninety cents, and certified the same to the Comptroller; and whereas, the certificate of purchase by the State, issued by the Comptroller aforesaid having been lost, mislaid or destroyed, and there being no record or memorandum thereof on file in the Auditor's office, and whereas, since the year 1862, the said G. H. McKee has purchased the land from said John H. Kent, and paid him for the same without any knowledge of the sale and purchase by the State, and having paid all back taxes thereon, therefore:

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That the said G. H. McKee or his vendee or vendees shall have full power and authority to redeem said land at any time within twelve months from and after the passage of this act by paying to the Auditor the sum of nineteen dollars and ninety cents and interest thereon.

SEC. 2. *Be it further enacted,* That upon receipt of the money by the Auditor as aforesaid and provided for in the first section of this act, it shall be the duty of said Auditor under his official seal to issue a certificate of redemption, which certificate shall convey to the person or persons so reclaiming all the rights, title and interest acquired by the State of Alabama, by her purchase at said sale.

Approved April 4, 1873.

No. 344.]

AN ACT.

To authorize B. H. Warren, of Choctaw county, to redeem certain lands sold for taxes, and purchased by the State.

WHEREAS, In the year 1867 the tax collector for Choctaw county, Alabama, sold the following lands, to-wit: The east half of northwest quarter, and east half of southwest quarter, section 21, township 13, range 2 west, for the taxes, interests and costs, then remaining due and unpaid on said lands for the year 1866, sold as the property of W. S. Smith, situate, lying and being in Choctaw county, Alabama; and

WHEREAS, At said sale the State of Alabama became the purchaser of said lands for the sum of eighteen and sixty-three one-hundredth dollars; and

WHEREAS, The said B. H. Warren has, since the purchase by the State of Alabama, bought said lands from said W. S. Smith, and paid the entire purchase money for the same, and taken a warranty deed from said Smith without any knowledge of said lands having been sold for the tax due thereon; and

WHEREAS, The said B. H. Warren has paid the taxes each year since his purchase in 1869, regularly to the tax collector of Choctaw county, Alabama, for which he has proper receipts for the same from said collector; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That B. H. Warren, or his legal representative be and they are hereby authorized to redeem said land at any time before the expiration of twelve months from the passage of this act, by depositing with the probate judge of Choctaw county, Alabama, the amount of purchase money, with interest thereon, at the rate of ten per cent. per annum from date of sale, and paying the sum of one dollar to the judge.

SEC. 2. *Be it further enacted*, That said probate judge shall pay over said amount so collected to the tax collector for Choctaw county, Alabama, who shall account for the same in his next settlement thereafter with the auditor of the State of Alabama.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved April 4, 1873.

No. 345.]

AN ACT

For the relief of P. W. Donaldson, a resident of Montgomery county, Alabama.

WHEREAS, P. W. Donaldson, a resident of Montgomery county, Alabama, in the year 1869 paid taxes to the amount of two hundred and forty-eight and twenty-five one-hundredth dollars on certain property in said county, on which taxes had already been paid for the same year; and

WHEREAS, On application to the commissioners' court of said county the said court ordered the sum of one hundred and thirty-one and twenty-five one-hundredth dollars, the proportion of said tax that had been paid into the treasury of said county, to be refunded to said Donaldson, leaving the sum of one hundred and seventeen dollars, the proportion of said tax which had been paid into the State treasury, still unpaid to said Donaldson; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor be and he is hereby authorized and required to draw his warrant on the treasurer in favor of Presley W. Donaldson, for the sum of one hundred and seventeen dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved March 15, 1873.

No. 346.]

AN ACT

For the relief of Smith P. Johnson, of Conecuh county.

WHEREAS, In the year 1870, Smith P. Johnson, of Conecuh county, paid to said county, and to the State of Alabama an amount of tax greater than should by law have been required of him; and

WHEREAS, The amount so paid to said county has been ascertained by the commissioners' court thereof, to be the sum of thirteen and fifty-five one-hundredth dollars, and has been by said court refunded to the said Johnson; and

WHEREAS, The amount so paid to the State has been ascertained by said court to be the sum of thirteen and fifty-five one-hundredth dollars; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor of the State be and he is hereby authorized and required to draw his warrant upon the treasury of Alabama in favor of the said Johnson, for the sum of thirteen and fifty-five one-hundredth dollars, which warrant, when so drawn, shall be delivered to the said Johnson for presentation to and payment by the Treasurer.

Approved, March 19, 1873.

No. 347.]

AN ACT

For the relief of the estate of Andrew Young, deceased, in Marengo county.

WHEREAS, In the assessment of taxes upon the property of Andrew Young, deceased, for the year 1871, on 540 acres of land in Marengo county, it is alleged that a mistake was committed by which his lands were returned as assessed at eleven dollars per acre, when in fact they were not worth five dollars per acre, and that the death of Young prevented a correction of the mistake; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of equalization for Marengo county, if in existence, and if not, that the court of county commissioners be authorized to ex-

amine into said alleged mistake, and if found to have been committed, that said board be authorized to correct the same by fixing the assessment according to law, and that the administrator of Andrew Young be entitled to a credit for any sum overpaid in the payment of State and county taxes assessed for the present year against said estate.

Approved, April 10, 1873.

No. 348.]

AN ACT

For the relief of Mrs. Laura Phelan.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of fifty-four dollars and sixty-five cents be and hereby is appropriated to Mrs. Laura Phelan, being so much taxes for the year 1866, collected from her illegally, the same to be paid to her out of any monies in the treasury not otherwise appropriated.

Approved, March 19, 1873.

No. 349.]

AN ACT

For the relief of E. M. Hughston, of Butler county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That E. M. Hughston, a citizen of Butler county, be and he is hereby relieved from the payment of the State, county and city tax assessment against him in favor of Butler county, for the years eighteen hundred and seventy-three and four.

Approved April 23, 1873.

No. 350.]

AN ACT

For the relief of J. G. Alexander, tax collector of Colbert county.

WHEREAS, J. G. Alexander, tax collector of Colbert county, unintentionally failed to return a list of certain lands in said county which were sold for the taxes of 1870, and bid in by him for the State ; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever J. G. Alexander, tax collector of Colbert county, files in the office of the Auditor of State a certified list of certain lands not heretofore reported in said county, which were sold for the taxes of 1870, and bid in by him for the State, the Auditor of State is hereby authorized and required to allow him a credit upon the taxes of 1872, equal to the amount of taxes due on said lands for the year of 1870.

Approved April 18, 1873.

No. 351.]

AN ACT

For the relief of the sureties of William Falconer.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in any proceedings against the sureties of William Falconer, as tax collector for the year 1870, of Montgomery county, a credit shall be allowed them for all insolvencies and errors in assessment of said year, the same as if they had been reported by the said tax collector at the proper time ; and in order to ascertain the correct amount thereof, the present tax collector shall make out and certify on oath a list of the same, and report it to and file it with the commissioner's court of said county, for their examination and correction ; and the said commissioner's court is hereby authorized and empowered to examine such lists and correct the same, in all respects in the same manner and with the same effect as if said proceedings had been had at the regular term of the court upon the returns, as prescribed by law of said Falconer, which shall be certified by the judge of probate of said

county, and received in evidence as proof of the allowances and credit made by said commissioner's court of Montgomery county, in the same manner as if the accounting were before the Auditor, under section 55 of the act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

Approved, April 18, 1873.

No. 352.]

AN ACT

For the relief of Joseph F. Boyles, tax collector of Monroe county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Joseph F. Boyles, tax collector of Monroe county, be and he is hereby allowed until the second Monday in May, 1873, to collect the county and State taxes assessed upon said county for the year 1872; *Provided, however*, That this act shall not take effect unless the sureties of said Joseph F. Boyles, upon his official bond, as tax collector aforesaid, file their assent in writing, and over their hands and seals, to the provisions of this act, in the office where said official bond is filed, within twenty days after the passage of this act.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, March 26, 1873.

No. 353.]

AN ACT

For the relief of J. W. Shephard, tax collector of Tuskalooosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That J. W. Shephard, tax collector of Tuskalooosa county, be and is hereby allowed until 1st Monday in June, 1873, to collect the

county and State taxes assessed upon said county, for the year 1872; *Provided*, That this act shall not go into effect unless the securities upon the official bond of the said J. W. Shephard, tax collector aforesaid, do, within twenty days after the passage of this act, file their assent to the terms of this act, in writing, over their hands and seals, in the office where said official bond of said tax collector is required by law to be filed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved April 10, 1873.

No. 354.]

AN ACT

For the relief of E. B. Lott, collector of State taxes for the county of Mobile;

WHEREAS, Under the acts to raise revenue for the State of Alabama, approved the 22d February 1866, and the 19th February, 1867, E. B. Lott, the collector of taxes for the county of Mobile, collected of the owners of certain steamboats and other water craft, certain moneys, taxes assessed under said acts and in pursuance thereof, but has been compelled, under judicial decision of the supreme court of the United States to refund the same, and also to pay other sums of money as costs and necessary expenses, about the defence of the demand so made upon him, as well as interest, which amount so refunded by him should be repaid to him by the State of Alabama.

Be it enacted by the General Assembly of Alabama, That it shall be the duty of the Auditor of this State, to examine and ascertain the exact amount of money so paid by said E. B. Lott, tax collector as aforesaid, under said judicial decisions, whereby the collector of said taxes was declared illegal and unconstitutional, principal, interest, costs and necessary expenses about the defence of the suits instigated against him in that behalf, and if

in such examination, said Auditor find that all or any portion of such payments by said tax collector, have not been repaid to said Lott, or allowed him in settlement of his accounts with the Treasurer of the State, then he shall certify to the Treasurer, the amount so due, and the amount so ascertained shall be credited to said Lott, tax collector, as aforesaid, with interest, in any settlement of his accounts that he may have to make with the treasury of the State as tax collector aforesaid, or if no settlement remain to be made by said Lott, then said amount shall be repaid to him by the Treasurer of the State.

Approved, March, 19 1873.

No. 355.]

AN ACT

For the relief of D. A. Moniac, tax collector of Baldwin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That D. A. Moniac, tax collector of Baldwin county be and is hereby allowed a credit of two hundred and sixty-eight \$268.49 on the aggregate of assessments of taxes in the office of the Auditor or the State, for Baldwin county, being the amount of taxes from over estimates of taxable property consequent upon a failure to deduct the sum of five hundred dollars exempted by law from the taxable property of (110) one hundred and ten tax payers of said county.

Approved, April 12, 1873.

No. 356.]

AN ACT

For the relief of George W. Williams, tax collector for Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That George W. Williams, tax collector for Barbour county, be and he is hereby

authorized and empowered to retain in his hands out of any money collected by him as tax collector for the State, the amount of two hundred and sixty-five dollars, said amount being the sum, including costs and attorney's fees, which the said Williams was compelled, by suit in the circuit court of Barbour county, instituted against him by one John McNab to refund to said McNab, for taxes collected by said Williams as tax collector, from said McNab on twenty-three thousand five hundred dollars worth of stock, held and owned by said McNab, in foreign joint stock companies, and the Auditor of the State is hereby authorized and required to allow said Williams credit for said amount in the settlement of his accounts as tax collector aforesaid.

Approved April 15, 1873.

No. 357.] AN ACT

For the relief of Seth J. Parker, tax collector of Clarke county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Seth J. Parker, tax collector of Clarke county, be and is hereby allowed until 1st Monday in June, 1873, to collect the county and State taxes assessed upon said county for the year 1872.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, March 13, 1873.

No. 358.] AN ACT

For the relief William B. Green, late tax collector of Madison county in relation to the list of insolvencies and errors in assessment of taxes for said county for the year 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Madison county in this State at its first regular term after William B. Green, late tax collector of said county shall report on oath to said court the "list of insolvencies," and the "list of errors in assessments" of taxes for said county, for the year 1870, shall be and it is hereby authorized to examine said lists, and correct the errors therein, if any, and after so doing shall give the said Green, tax collector as aforesaid, credit for the amount of county taxes due thereon.

SEC. 2. *Be it further enacted,* That after said lists have been examined and corrected as aforesaid and the credit has been given to said Green as said tax collector, the probate judge of said county shall certify said lists to the Auditor of this State, and the said Auditor shall allow to said Green tax collector as aforesaid, credit therefor in his final settlement for the amount due to the State thereon.

Approved April 16, 1873.

No. 359.]

AN ACT

For the relief of W. W. Wilkins, late tax collector of Clay county, and the sureties on his official bond.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That upon the payment to the State of the sum of one thousand ninety and eighty-six one hundredth dollars, W. W. Wilkins, late tax collector of Clay county, and the sureties on his official bond, as said collector, be and the same are hereby relieved from all statutory damages or other liability on official bonds of years 1869 and 1870.

SEC. 2. *Be it further enacted,* That upon the payment of above amount within thirty days from the date of the approval of this act, the Auditor of State is hereby authorized and instructed to give said W. W. Wilkins and the sureties on his official bond for years 1869 and 1870, a receipt discharging

them from all further liability on said bonds of said Wilkins, as tax collector as aforesaid, and the Auditor of State is further authorized, on payment of the sum of \$1,090 86-100 as aforesaid, to enter satisfaction of and cancel judgment heretofore obtained by the State against said W. W. Wilkins and sureties on his said official bond ; *Provided however*, That nothing herein shall be construed to relieve said Wilkins and his sureties from payment of fees and cost of court incurred by suits on said bonds.

Approved March 4, 1873.

No. 360.]

AN ACT

For the relief of the sureties of Samuel F. Beall, late tax collector of Tuskaloosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sureties of Samuel F. Beall, late tax collector of Tuskaloosa county, or either of them be and they are hereby authorized and empowered to proceed and collect all the legally assessed and now uncollected State and county taxes in the county of Tuskaloosa, for the years 1869, 1870, and 1871, which assessments remained in the hands of Samuel F. Beall at the time he went out of office, in November, 1871.

SEC. 2. *Be it further enacted*, That for the purpose of enforcing said collections, said sureties or either of them are hereby given all the powers possessed by a tax collector in said county, under the revenue laws of this State, and shall be subject to like penalties for any misfeasance or malfeasance in the discharge of such duties.

Approved, February 18, 1873.

No. 361.]

AN ACT

For the relief of Thomas Wilson and others, of the county of Jackson.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of the county of Jackson, be and the same is hereby authorized and empowered to instruct by order of said court, if they deem such action right and proper, the county treasurer to register and pay as other county charges, all claims for services, for mileage and ferriage, held by Thomas Wilson and others who served as witnesses in behalf of the State against Henry Lawrence, without the usual certificate of acquittal or prosecution to insolvency.

Approved February 18, 1873.

No. 362.]

AN ACT

For the relief of Joshua L. Davis and Mary Elizabeth Davis, of Chambers county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the marriage heretofore solemnized between Joshua L. Davis and Mary Elizabeth McCoy, of Chambers county, be and the same is hereby legalized and made valid, and they are hereby relieved from any prosecution for bigamy, adultery or fornication, by reason of said marriage.

Approved March 15, 1873.

No. 363.]

AN ACT

To relieve Peter Menefee and Judy Menefee, of Lee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Peter Menefee and Judy Menefee be and they are hereby relieved from all the pains and penalties incurred by them by reason of their having intermarried with each other, and that their marriage be and hereby is declared legal and valid from the date thereof.

Approved March 15, 1873.

No. 364.] AN ACT

For the relief of John A. Perkins, of Tuskalooosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor be and he is hereby authorized and required to draw his warrant upon the Treasurer in favor of John A. Perkins, of Tuskalooosa county, for the sum of two hundred and ninety-seven dollars, for feeding prisoners in said county during the years 1866 and 1867.

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved, April 16, 1873.

No. 365.] AN ACT

For the relief of William Steely, of Jackson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners' court of Jackson county, be and they are hereby authorized to contract with James P. Steely for the taking care, maintenance, and support of William Steely, a citizen of said county, of unsound mind, and to pay annually out of the county treasury of said county, to James P. Steely such sum of money as they deem fit, not to exceed the amount allowed to the keeper of the poor of said county, for taking care of a pauper, and to require such bond of James P. Steely as they may think proper, to secure the proper use of the money so appropriated.

Approved, April 15, 1873.

No. 366.] AN ACT

For the relief of A. M. Jones, of the Alabama Conference.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Auditor be and he is hereby authorized to draw his warrant on the Treasurer in favor of A. M. Jones for one hundred and fifty dollars, for services rendered in preaching to the convicts in the State penitentiary, during the year 1872.

Approved, April 10, 1873.

No. 367.]

AN ACT

For the relief of James Middleton, late county superintendent of Fayette county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the superintendent of public instruction be and he is hereby authorized and required to allow a credit of two hundred and forty and seventy-one hundredth dollars to James Middleton, late county superintendent of Fayette county, upon the settlement of his account as said superintendent, for monies paid over by him by order of the superintendent of public instruction, during the year 1870.

Approved, April 23, 1873.

No. 368.]

AN ACT

For the relief of Jonathan Latham and others, of Jackson county, sureties on the official bond of Z. J. Wright, tax collector of said county.

WHEREAS, A judgment was rendered on the 17th day of June, 1872, in the circuit court of Montgomery county in favor of the State of Alabama against Z. J. Wright, late tax collector of Jackson county, and against Miller Isbell, Isaac Kirkpatrick, Noah Shelton, Joseph Sanders, John E. Cox, S. W. Wilbourne, C. C. Fipton, David Kirkpatrick, Joab Wilson, J. J. Cunningham, Jesse W. Isbell, Walter

Selby, John Hathrington, Stokely Todd, B. B. Toney, William Wilbourne, John Isbell, Jonathan Latham, A. Coffee, J. H. Dicus, Samuel Cox, David Berry, C. B. Kirkpatrick, R. F. Harper, A. J. Harper, E. A. Murry and G. W. N. Stovall, sureties on said Wright's official bond; And Whereas, The sum of one thousand and seventy-four dollars and thirty-five cents, which enters into and makes a part of said judgement, was founded on and created by the statutory penalty prescribed for defaulting officers:

SECTION 1. *Therefore, be it enacted by the General Assembly of Alabama,* That the said sum of one thousand seventy-four dollars and thirty-five cents, be and the same is hereby remitted, and the said defendants are by virtue of this act entitled to a credit for said amount on said judgment.

SEC. 2. *Be it further enacted* That if said sum of money shall have been collected, or is now in the hands of the sheriff of Jackson county, or the treasurer of the State, or should hereafter come into the hands of either of them, he shall be and is hereby required to remit the amount mentioned in the preceding section to the parties aforesaid.

Approved March 22, 1873.

No. 369.]

AN ACT

For the relief of Augustine Schmidt and Robert A. Morgan, of Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of the county of Marengo, be, and they are hereby authorized and directed to make a settlement with Augustine Schmidt and Robert A. Morgan, the sureties on the official bond of P. E. O'Connor, late judge of the county court of Marengo county, and to allow them credit on the claim of the county of Marengo against them as such sureties, for all the legal fees and allowances that were due and

accruing to the said P. E. O'Connor, for his services as such judge, during the time he discharged the duties of the said office.

Approved, February 18, 1873.

No. 370.] AN ACT

For the relief of James A. Barton, of Colbert county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That James A. Barton, of Colbert county, shall be allowed to charge one-sixth toll for all corn ground at his mill in the said county. any law or laws on the statute book to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved, April 19, 1873.

No. 371.] AN ACT

To authorize and direct the Auditor to draw his warrant on the Treasurer for two hundred and twenty-three dollars and seventy-five cents in favor of Joel White, of Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor be and he is hereby authorized and required to draw his warrant on the Treasurer for the sum of two hundred and twenty-three dollars and seventy-five cents, in favor of Joel White of Montgomery, for books and stationery furnished the Legislature at the requisition of Robert Barber, clerk of the House of Representatives.

Approved, April 21, 1873.

No. 372.]

AN ACT

For the relief of H. W. Caffey, of Lowndes county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Treasurer of the State is hereby authorized and required to pay one hundred dollars to H. W. Caffey, of Lowndes county, in exchange for a one hundred dollar counterfeit bill received from J. F. Grant, late State Treasurer, upon a warrant of Auditor of State; *Provided*, Satisfactory proof is furnished to the State Treasurer that said counterfeit bill was actually received from J. F. Grant, the late Treasurer of the State in payment of State warrant.

SEC. 2. *Be it further enacted*, That upon the payment of the one hundred dollars required to be paid to H. W. Caffey, the present State Treasurer shall be entitled to a credit of one hundred dollars.

Approved April 23, 1873.

No. 373.]

AN ACT

For the relief of Joseph Money and A. H. Langham,
of Jackson county.

SECTION 1. WHEREAS, It is made known to this Assembly that Joseph Money and A. H. Langham, private citizens of Jackson county, did apprehend one Thomas Clark, a desperado and refugee from justice, in Lauderdale county; And Whereas, Said parties spent some ten days and the sum of \$35 in conveying said Clarke to the sheriff of Lauderdale county, who had warrants for his arrest; Therefore,

SECTION 2. *Be it enacted by the General Assembly of Alabama*, That the Auditor be, and he is hereby instructed and required to draw his warrant upon the Treasurer of the State of Alabama for the sum of seventy dollars in favor of Joseph Money and A. H. Langham, of Jackson county.

Approved March 22, 1873.

No. 374.]

AN ACT

For the relief of James D. Williford of Tallapoosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor of the State is authorized to draw his warrant upon the Treasurer for the sum of three hundred dollars, in favor of James D. Williford for the apprehension of O. A. Feilds, murderer of Jerry Dumas, upon satisfactory proof of such arrest.

Approved April 22, 1873.

No. 375.]

AN ACT

To compensate Thomas Harrison, late sheriff of Shelby county for feeding certain prisoners.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Shelby county be and is hereby authorized and empowered to pass and allow the claim of Thomas Harrison, late sheriff of Shelby county against said county for feeding prisoners from the 17th day of April, 1872, to the 28th day of September, 1872. The following prisoners, who escaped from the jail of said county, on the last mentioned date to-wit: Dock Pratt, William McGhee and Mark Dye; the said claim amounting in the aggregate to \$150.50: *Provided*, The correctness of said claim be established by competent proof before said court.

SEC. 2. *Be it further enacted*, That said claim when passed and allowed may be made by said court a preferred claim and paid as such by the county treasurer of said county.

Approved, March 17, 1873.

No. 376.] AN ACT

For the relief of Harry H. Moseley, late sheriff of Perry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Auditor be and he is hereby required to draw his warrant on the Treasurer in favor of Harry H. Moseley, for the sum of thirty-eight dollars and twenty-five cents, being amount expended by said Moseley, while sheriff of Perry county, in pursuing, arresting and bringing to trial David Loney and Emily Fondlin, charged with murder.

Approved April 21, 1873.

No. 377.] AN ACT

For the relief of La Fayette F. Reed of the county of Etowah.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That La Fayette F. Reed, of Etowah county, State of Alabama, be and he is hereby allowed the sum of one hundred dollars compensation for his services and expenses incurred in arresting and delivering into the custody of the sheriff of Madison county, Alabama. Jacob Keener, a prisoner at large, charged with murder.

SEC. 2. *Be it further enacted,* That the Auditor be required to draw his warrant on the Treasurer for the amount of one hundred dollars, payable to said La Fayette F. Reed.

Approved April 21, 1873.

No. 378.] AN ACT

For the relief of Samuel Edmonson, county treasurer of Etowah county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Auditor of this State be

and he is hereby required to draw his warrant upon the State Treasurer, in favor of Samuel Edmonson, late treasurer of Etowah county, for the sum of one hundred and fifty-six dollars, that being the sum he has been required to pay under legal adjudication, including costs for licenses collected by him, and paid into the State treasury, minus said costs under protest.

Approved April 2, 1873.

No. 379.]

AN ACT

To pay William Murphy, witness in contested election cases from Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That upon the certificate of the clerk, approved by the Speaker of the House of Representatives, the Auditor be and he is hereby required to draw his warrant upon the Treasurer, for thirty-three dollars, in favor of William Murphy, the same being for mileage and witness fees in the contested election cases from Marengo county.

Approved March 17, 1873.

No. 380.]

AN ACT

For the relief of R. C. Clark of Elmore county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor of State is hereby authorized and required to draw his warrant on the State Treasurer, in favor of R. C. Clark of Elmore county, for the sum of three hundred and sixty-two dollars and fifty cents in full payment of amount due the said Clark for board of Alexander Nummy, sergeant of the guard and Alonzo Brazzell, turn-key of the Alabama penitentiary, and the said amount to deduct from the warrants due the said sergeant of the guard and turn-key respectively for rations under the laws of the State.

Approved, April 23, 1873.

JOINT RESOLUTIONS

AND

MEMORIALS.

No. 1.] JOINT MEMORIAL

To the Congress of the United States asking an appropriation to complete the work of deepening the channels of navigation in the bay of Mobile.

To the honorable the Senate and House of Representatives of the United States in Congress assembled, The joint memorial of the Senate and House of Representatives composing the General Assembly of Alabama, respectfully show that the harbor and bay of Mobile in this State is largely connected with the foreign as well as internal commerce of the country. From that bay is annually exported produce exceeding in value twenty-five millions of dollars, while our import trade with Europe and particularly with South America and the West Indies is rapidly rising into great importance. The lower bay of Mobile presents advantages as a harbor which for depth of water, readiness of access, security against damage by storm and capacity is not excelled. Between that harbor and the city of Mobile, where the exchange of commerce must be made, and where the foreign commerce of the State comes into contact with the domestic commerce, the channels of navigation

are not of sufficient depth to accommodate the passage to the wharves of the city of the larger vessels which frequent the port. The practicability of obtaining a sufficient water way through these channels has been clearly demonstrated by excavations in these channels in connection with the force of the currents judiciously regulated. This work has been done mainly by means obtained from local taxation of the property of the citizens of Mobile. It has been materially aided by appropriations from Congress. The completion of the work is beyond the reach of mere local taxation and being of national and not merely local importance, should not be imposed on the property of a single municipality, even if it could be so effected. This General Assembly therefore respectfully calls the attention of the honorable the Congress of the United States to the reports of the United States engineer officer in charge of the work at Mobile, to General Humphries, United States chief of engineers, upon its condition and the expenditures necessary to reach complete success in utilizing to commerce this fine bay and harbor. This General Assembly respectfully but earnestly urges upon Congress the consideration of the great value and importance to the whole country, and particularly to the States of the northwest as to those on the gulf, of this improvement, and respectfully request that such appropriations may be made that the work may be speedily, well and effectually accomplished without sacrifice of the advantages already gained, but which will be put to hazard if only such appropriations inadequate to press on the work to its full capacity be made. This General Assembly earnestly commend to the honorable, the Congress of the United States, a liberal consideration of the matters herein presented, and ventures to hope an early completion of this greatly desired increase of the commercial facilities of this State will be guaranteed by the action of your honorable bodies.

Approved February 18, 1873.

No. 2. | JOINT MEMORIAL

To the Congress of the United States for the opening
of the Coosa river.

To the honorable, the Senate and House of Representatives in the Congress of the United States assembled, The memorial of the Senate and House of Representatives, which compose the General Assembly of the State of Alabama, respectfully asks your attention to the condition of the Coosa river, which flows into this State from Georgia, and forms one of the chief tributaries of the Alabama river, during the whole of its course from the city of Rome, in Georgia, to Wetumpka, in this State; it runs through a country beautiful to the eye, with a genial climate and of fertile soil. In addition to this, there are abundant supplies of fine timber and inexhaustible stores of iron, coal, limestone, marble, slate and other mineral treasures. Immense mineral wealth lies buried in the section of country through which this river runs. The upper portion of this river, between Greensport and Rome, is navigable by steamboats. The portion between Greensport and Wetumpka is obstructed by shoals and by rapids which prevent the transportation to the sea of the products of the fine section of country watered by this river. The upper tributary of this river known as the Conasauga river passes in its course within eighteen miles of the Ocoa, a tributary of the Tennessee. If a communication were made between the two, great convenience would be made to commerce, if in addition to that, the obstructions in the lower Coosa were removed or obviated by a proper system of slack water navigation, large commercial, mining, manufacturing and agricultural resources would be opened which would add greatly to the wealth and power of the whole country. This suggested improvement has been found practicable by skillful engineers who have inspected the route. The expense, however, is too great for this State to assume; our people are not rich; they are struggling to relieve themselves of burthens which are very heavy; they are seeking to open up to free in-

dustry these grand deposits of wealth, which nature has placed within their reach, and to invite hither, for their own advantage and the improvement of the country the hardy sons of toil. Their efforts, however, are ineffective for the want of ready and cheap access to market which the opening of this river would furnish, a necessity to them, but beyond their reach to secure. This General Assembly, the representative of the people of this State, is alive to their wants, but equally conscious of the inability of the people to develop the great sources of prosperity which lie so near at hand, but which their unassisted efforts cannot realize. This General Assembly very earnestly entreats your honorable bodies to extend the helping hand of the nation, to the people of this State, to cause careful surveys of the Coosa river to be made, and to adopt and put into actual operation, such a system of improvement, that the great wealth of that section of our country may be developed and utilized, not alone to this people but to the people of the whole country.

Approved March 27, 1873.

No. 3.] JOINT RESOLUTION.

WHEREAS, This General Assembly of the State of Alabama are advised by message from his Excellency, the Governor, that an exigency in the State of Alabama now exists, demanding the protection by the United States, of the State against domestic violence; therefore,

Be it resolved by the General Assembly of Alabama, That the President and Congress of the United States be and they are hereby respectfully requested to furnish the protection contemplated and authorized by the constitution of the United States in such exigency to the people of the State of Alabama, and that his Excellency, the President of the United States, and the Congress of the United States, separately or conjointly, as may be advisable, may take any and all such action as may be deemed

proper and necessary to secure the people of the State of Alabama and its lawful government from domestic violence.

Be it further resolved, That a joint committee of the Senate and House of Representative, consisting of three from each House, be appointed by the presiding officers of the two houses respectively, to prepare a memorial upon the present condition of political affairs and the existing exigency in this State, to be presented to the President and Congress of the United States, and that the Governor of this State be authorized and is hereby requested to appoint one or more persons, (not more than three), members of the General Assembly, or not, as the Governor may determine, to proceed to the city of Washington and present, in behalf of the General Assembly and the people of Alabama, the said memorial to the President and Congress of the United States.

Be it further resolved, That the president of the Senate and speaker of the House of Representatives, and his Excellency, the Governor, be requested to forward immediately copies of these resolutions to the President and to the Senate and House of Representatives of the United States.

Approved November 30, 1872.

No. 4.] JOINT RESOLUTION

Be it resolved by the House of Representatives of the General Assembly of Alabama, (the Senate concurring,) That the Auditor be and is hereby directed to draw his warrant on the Treasurer for the sum of one hundred and ninety-eight dollars, in favor of Hon. George M. Duskin, for the purpose of paying the funeral and medical expenses of the late Hon. R. L. Bennett, of the county of Hale.

Approved December 14, 1872.

No. 5.] RESOLUTION.

Resolved by the General Assembly of Alabama. That the Auditor of State be hereby authorized and

required to draw his warrant on the State Treasurer in favor of M. P. Blue, Secretary of the Senate, for the sum of ten dollars, to refund monies paid out for fuel, lights, &c., for the use of the Senate.

Approved December 20, 1872.

No. 6.] JOINT RESOLUTION

To prohibit the sale or in any manner disposing of vinous or spirituous liquors within the enclosures of the Capitol building, in the city of Montgomery.

SECTION 1. *Be it resolved by the Senate of Alabama, (the House of Representatives concurring,)* That from and after the passage of this joint resolution, it shall be unlawful for any person to sell or give away spirituous, malt or vinous liquors at any place within the enclosures of the Capitol building, in the city of Montgomery.

SEC. 2. *Be it further resolved,* That any person or persons violating the provisions of this law, shall be fined not less than fifty dollars for each violation thereof.

SEC. 3. *Be it further resolved,* That all prosecutions for violations of the provisions of this law shall be conducted in the city court of the city of Montgomery, and for each and every conviction had, the county solicitor shall be entitled to a fee of twenty-five dollars.

Approved February 18, 1873.

No. 7.] JOINT RESOLUTION

To authorize the Governor to contract a loan and pledge the credit of the State for purposes therein named.

Resolved by the Senate and House of Representatives of Alabama, That the Governor of Alabama be and is hereby authorized and empowered to con-

tract a loan for and in behalf of the State of Alabama, in such manner and upon such terms as he may deem expedient and proper, for the purpose of raising money to pay the balance due upon the purchase by the State at a bankrupt sale, under an order of the judge of the district court of the middle district of Alabama, of the Alabama and Chattanooga railroad.

Be it further resolved, That for such loan the Governor is authorized to pledge the credit of the State, and is hereby invested with full powers to contract for such loan, for such amount as he may find necessary, and in such manner and form as he may deem expedient and most consistent with the interests of the State in the premises.

Approved February 10, 1873.

No. 8.] JOINT RESOLUTION

Relative to the appointment of an agent for the collection of the amount due from the United States to the State of Alabama, on account of lands in this State disposed of by military warrants and land scrip issued for military services in the wars of the United States.

Be it resolved by the General Assembly of Alabama, That the Governor be and he is hereby authorized and empowered to appoint an agent in behalf of the State to prosecute to final decision before Congress or in the courts the claim of this State for the five per cent. due to the same from the United States upon the lands of this State, disposed of by the location of military warrants and land scrip issued for military services in the wars of the United States; and that such an agent shall be well informed in the law, and shall be allowed such a compensation as shall be agreed upon between the Governor and said agent, and to be paid only after the recovery of the claim, in whole or in part, and not

to be paid out of any other fund ; *And provided*, That the State shall not be otherwise liable for any expense whatever attending the prosecution of such claim.

Approved, March 18, 1873.

No. 9.] JOINT RESOLUTION

In regard to appointing commissioners to confer with commissioners appointed under the authority of the Legislature of the State of Mississippi.

WHEREAS, The Governor of the State of Mississippi has, under joint resolutions of the Legislature of said State, appointed commissioners to negotiate with the authorities of the State of Alabama, with the view of making the Bigby river a water boundary line between said States ; therefore,

Resolved by the Senate, (the House of Representatives concurring), That the Governor be and he is hereby requested to appoint three commissioners to meet the said commissioners so appointed by the Governor of Mississippi, with instruction to inform the commissioners from Mississippi that the State of Alabama is unwilling to the change of the boundary line of the State of Alabama, as contemplated by the State of Mississippi.

Approved April 8, 1873.

No. 10.] JOINT RESOLUTION

To provide for a flag staff and flag upon the State Capitol.

SECTION 1. *Be it resolved by the General Assembly of Alabama*, That the house committee upon the Capitol, and the Senate committee on public buildings, be and the same are hereby authorized to have a flag staff placed upon the Capitol, and that

the national flag be hoisted thereon daily during the sessions of the General Assembly.

SEC. 2. *Resolved further*, That the Auditor is hereby instructed to draw his warrant upon the State Treasury for the amount of expenses incurred in carrying out the provisions of the foregoing section.

Approved April 9, 1873.

No. 11.] JOINT RESOLUTION

In respect to title to railroad companies that have received State aid.

Resolved by the General Assembly of Alabama, That the Governor of the State be and he hereby is authorized and requested to obtain duly certified copies, if the originals are not found in the offices of the State, of the mortgage or trust deed executed by the Alabama and Chattanooga Railroad company to secure payment of its first mortgage bonds, and of the mortgage or trust deed upon the lands of said company to secure the payment of its second mortgage bonds, and of the mortgage executed the second day of March, in the year one thousand eight hundred and seventy, to the State of Alabama, to secure the payment of the bonds of said company of that date delivered, to the amount of two millions, to the State, to secure and indemnify it against loss by or upon its bonds for the same amount lent to said company to aid in the construction of its roads; and that the Governor is also authorized and requested to procure one or more duly certified transcripts of the record of the proceedings had in the district court of the United States for the middle district of Alabama, in the matter of the Alabama and Chattanooga Railroad company, a bankrupt, and of the sales of the railroad and its appurtenances of said company, under the decree of said court, to the State of Alabama, to the end that the State may have in its offices authentic record evidence of the condition of the title to the railroad and its appurtenances, and to the lands of said Alabama and Chattanooga Railroad company.

SEC. 2. *Be it further resolved*, That the Governor be requested to procure and have filed in the offices of the State, like authentic record evidence, concerning the condition of the title to the property of each of the other railroad companies of this State, to which the State has granted aid or lent its credit by endorsement or otherwise.

SEC. 3. *Be it further resolved*, that the Governor be and he is hereby authorized to require the aid of the Attorney General in carrying into effect the foregoing resolution.

Approved, April 19, 1873.

No. 12.] JOINT RESOLUTION

To inquire into the condition of the Alabama and Chattanooga Railroad company.

WHEREAS, At a meeting of the bondholders of the Alabama and Chattanooga railroad, a committee was appointed to correspond with the Governor and General Assembly of the State; and, whereas, The committee so appointed have addressed to the President of the Senate a communication containing a copy of a number of resolutions adopted by said bondholders' meeting, asking for information as to the present condition of said railroad, and the prospect for an appropriation for the payment of the coupons on the first mortgage bonds now over due; and, whereas, It is important to the people as well as the credit of the State, that the condition of said railroad should be inquired into by the General Assembly of the State; therefore,

Be it resolved by the Senate of Alabama, (the House of Representatives concurring,) That a committee of three, with a like committee upon the part of the House of Representatives, be appointed to inquire into and report at as early day as practicable, the condition of the Alabama and Chattanooga Railroad company, together with the amount of

over due coupons on the bonds of said railroad, for which the State is legally liable, together with the necessity for an appropriation for the payment of such over due coupons.

Approved February 18, 1873.

No. 13.] JOINT RESOLUTION

To raise a committee to inspect the Alabama State penitentiary, and to inquire into the treatment of the convicts in charge.

Resolved by the Senate of Alabama, (the House of Representatives concurring,) That a joint committee of three on the part of the Senate, and five on the part of the House, be appointed, whose duty it shall be to proceed to the town of Wetumpka, as soon as practicable, for the purpose of examining into the condition of the State prison, including the buildings, machinery, and all other property therein belonging to the State of Alabama, and also make close examination into the condition and treatment of the State prison convicts in charge.

SEC. 2. Be it further resolved, That said committee are authorized to visit State prison convicts, who may be leased to any persons located in other portions of the State, with a view of reporting to this General Assembly the true condition of all the property belonging to the State, and State's prison, and State's prison convicts.

Approved February 8, 1873.

No. 14.] RESOLUTION

By the House of Representatives, (the Senate concurring,) That a joint committee of five be appointed, three upon the part of the House, and two upon the part of the Senate, said committee be instructed to inquire into and ascertain all the facts relating to the finances of the State, and to report at an early

day the correct liabilities of the State in bonds, temporary loans and unsettled accounts, as it existed at the close of the last fiscal year, 30th September, one thousand eight hundred and seventy-two, and to the present time. That said committee be empowered to send for persons and papers.

Approved March 7, 1873.

No. 15.] RESOLUTION.

Resolved, That, with the concurrence of the Senate, the committee on public institutions, or so many thereof as may desire to do so, be authorized and requested to accept the invitation of the principal of the Alabama institution for the deaf, dumb and blind, situated at Talladega, and that three hundred copies of the report of the principal of said deaf, dumb and blind institute be printed for distribution to like institutes in the United States.

Approved March 4, 1873.

No. 16.] JOINT RESOLUTION.

In relation to the Senate bill regulating the charges of freight upon railroads within this State.

Be it resolved, That a joint committee of both Houses of the General Assembly of Alabama be appointed, two on the part of the Senate and three from the House, and that said committee shall at once invite the representatives of all the railroads in this State to meet them, in the city of Montgomery, at such times as the committee may fix, and after a free and full discussion on the merits of said bill, report their action on the same.

Approved April 19, 1873.

No. 17.] JOINT RESOLUTION.

WHEREAS, It is necessary that each member of the General Assembly should be furnished with a copy of the Revised Code and the acts, and journals

of the General Assembly for the sessions thereof, during the years 1869-70, and during the years 1870-71, and during the years 1871-72, and whereas a number of the members of the General Assembly have already been furnished with a copy of the same and a number yet remain unfurnished; Therefore,

Be it resolved by the Senate of the State, (the House of Representatives concurring,) That the Secretary of State be and he is hereby authorized and required to furnish each and every member of the General Assembly, with a copy of the Revised Code, and acts, and journals of the General Assembly for the sessions thereof, during the years 1869-70, and during the years 1870-71, and during the years 1871-72.

Approved Feb'y 21, 1873.

No. 18.] JOINT RESOLUTION.

To provide for raising a joint committee of the two Houses of the General Assembly of Alabama, to memorialize Congress and the government of the United States, for aid in behalf of the free public school interest of the State of Alabama.

Resolution 1. *Be it resolved by the House of Representatives, (the Senate concurring,)* That a joint committee of the two Houses of the General Assembly of the State, be appointed by the presiding officers thereof, to consist of five members, three from the House and two from the Senate, who shall be authorized and hereby instructed to memorialize the Congress of the United States, in behalf of, the free public school interest of Alabama. First, by urging upon Congress and the government, in emphatic terms, the important fact that the first school census, after reconstruction, developed this truism, that instead of the two hundred thousand children within the school age, as before the war, we now have four hundred thousand children to educate! Second, By impressing Congress with the important,

startling fact that after the reconstruction and rehabilitation of Alabama in the Union, that her people ardently in favor of education, found themselves totally unable to meet the educational wants of this largely increased number of children within the school age.

Resolution 2. *Be it further resolved*, That the joint committee provided for in the first resolution, are hereby further instructed, that in the memorial to Congress, they shall express to the government, the grateful acknowledgement of the people of Alabama, for its liberal donations in lands, the sixteenth section in all the townships in the State, at the time of her admission into the Union, and other valuable donations for schools purposes subsequently made, at the same time reminding the government that with the additional two hundred thousand children, the result of the war, to educate, we think it not unreasonable to ask of the government an additional donation of three millions acres of the public lands, now lying in the State.

Resolution 3, *Be it further resolved*, That the joint committee, as above provided for, be and they are hereby further instructed, that in their memorials to Congress, in the event the government shall make the donation of lands asked for in the second resolution as above, shall be authorized to pledge the good faith of this General Assembly and through it of the State, that said lands so donated shall not be sold for less than — per acre, and when so sold the proceeds shall be invested in bonds, either of this State or of the United States, as a perpetual school fund, and only the semi-annual interest arising therefrom shall be used, and that further, it, the semi-annual interest, as and when collected, shall be placed in the treasury as school money; that it shall not be used for any other purpose than in the payment of school warrants.

Resolution 4. *Be it further resolved*, That in the disbursement of the semi-annual interest for school purposes, as provided for in the third resolution as above, in the event the government of the United States shall make the donation of land as hereinabove provided for, that no discrimination shall be

allowed or permitted in favor of or against any class of the children of this State, on account of race, color, religious creed or previous condition of servitude.

Resolution 5. *Be it further resolved*, That the joint committee hereinabove provided for, shall be empowered, and they are hereby authorized to engage in the discharge of their duties as memorialists during the interim between the adjournment of this session and the next meeting of this General Assembly, and during the next session if found necessary, and further, that the said joint committee be required to report their success or failure of their memorial, said report to be laid before this General Assembly at or during its next session.

Approved April 23, 1873.

No. 19.] JOINT RESOLUTION.

Resolved by the House of Representatives, (the Senate concurring,) That the General Assembly of Alabama do adjourn *sine die*, on Wednesday, the 23rd day of April, 1873, at 4 o'clock p. m.

Approved April 22, 1873.

No. 20.] JOINT RESOLUTION.

Resolved by the Senate and House of Representatives of the General Assembly, That the chairman of the judiciary committee of the House be authorized to employ a servant or messenger for such committee, and to give his certificate to such servant for his per diem allowance for the number of his days service for such committee, which certificate shall be paid out of the treasury, as now provided by law in the case of members and officers of the General Assembly; *Provided*, That the compensation of such servant shall not exceed the sum of two dollars per diem.

Approved March 4, 1873.

No. 21.] JOINT RESOLUTION

Authorizing payment for public printing done for the separate organizations of the General Assembly, prior to the re-organization under the plan proposed by the Attorney General of the United States.

Resolved by the Senate, (the House of Representatives concurring,) That the auditor of public accounts be and he is hereby authorized to draw his warrants upon the the Treasurer for such amounts as may be due for the printing done by order of either organization of the General Assembly of Alabama, while in separate organizations; *Provided*, That the accounts for such printing shall (before their allowance by the Auditor,) be certified to by the persons who filled at that time, the offices of president of the Senate, and speaker of the House of Representatives, of said respective separate organizations; and *Provided further*, That the amounts allowed for such printing be not greater than the rates heretofore allowed by law to the State printer.

Approved February 28, 1873.

No. 22.] JOINT RESOLUTION

To provide part payment of expenses by the commissioners to the International Exposition at Vienna, to represent in due form and style the State of Alabama and its resources, in accordance with the proclamation by the Governor, January 21st, 1873.

Be it resolved by the General Assembly of Alabama, That the Auditor be and he is hereby required to draw his warrant on the Treasurer of the State in favor of the commissioner, Frank Draxler, for the sum of two thousand dollars, for a part of the expenses that will be incurred by him as State commissioner to the International Exposition at

Vienna, 1873, including a certain amount necessary for the commissioner of industrial resources to prepare the official collection of minerals and other things, before shipment; also a certain amount necessary for printed matter for distribution, showing statistical and practical information of the State and its resources; further freight expenses to Government steamer, New York, and other incidental, but actual expenses.

2. *Be it further resolved*, That the chairman of the commission, Frank Draxler, be, and he is hereby required to render an account of all actual expenses, as provided in the first resolution above, upon proper vouchers, and settle his account in a manner satisfactory to the Auditor of State, which shall be done upon his return from said Exposition.

Approved March 10, 1873.

No. 23.] JOINT RESOLUTION

For the relief of the administrator of the estate of Newton L. Whitfield, deceased.

Be it resolved by the Senate of Alabama, (the House of Representatives concurring,) That the Auditor be and he is hereby authorized and required to draw his warrant upon the Treasurer in favor of Joseph C. Guild, as administrator of the estate of the late Newton L. Whitfield, deceased, for the sum of one hundred and eighty dollars and forty cents, being the full amount due said Whitfield as a member of the General Assembly, for pay and mileage due him at the time of his death, on the second day of December, 1872.

Approved March 15, 1873.

No. 24.] JOINT RESOLUTION

Making additional appropriation to pay the funeral expenses of the Hon. W. J. Gilmore, deceased.

Be it resolved by the Senate of Alabama, (the House of Representatives concurring,) That the additional sum of one hundred and twenty-eight dollars, or as much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury, to pay the funeral expenses of the late Hon. W. J. Gilmore, and the State Auditor draw his warrant on the Treasurer for the same.

No. 25.] **JOINT RESOLUTION**

To pay J. R. Wing for work done in repairing furniture in the Senate Chamber.

SECTION 1. Be it resolved by the Senate of Alabama, (the House of Representatives concurring,) That the Auditor is hereby authorized to draw his warrant on the Treasurer in favor of J. R. Wing, for the sum of fifty-six dollars and twenty-five cents (\$56.25), for services rendered in repairing furniture, furnishing locks and keys for the Senate Chamber.

Approved, March 29, 1873.

No. 26.] **JOINT RESOLUTION**

Resolved, (the Senate concurring), That the Auditor is hereby authorized and directed to draw his warrant on the Treasurer in favor of J. R. Wing, for the sum of eighty-three dollars and seventy-five cents, for repairs done on furniture of the House of Representatives.

Approved March 17, 1873.

No. 27.] **JOINT RESOLUTION**

To pay Williamson and Johns, for work done in the Senate Chamber

Resolved by the Senate, (the house of Representatives concurring,) That the Auditor of State is

hereby authorized to draw his warrant on the treasurer of Alabama, for the sum of sixty-six dollars. (\$66.00,) in favor of Williamson and Johns, for work done in repairing desk tops in Senate Chamber; said accounts are itemized, certified and hereunto attached. * * * * *

Approved April 1, 1873.

No. 28.] JOINT RESOLUTION

To provide for the payment of a clerk for the Joint Financial Committee.

Be it resolved by the General Assembly of Alabama, That the Auditor be and he is hereby required to draw his warrant upon the certificate of the chairman of the joint financial committee for the pay of a clerk for said committee, at the rate of six dollars per day.

Approved April 8, 1873.

No. 29.] JOINT RESOLUTION

To provide for paying the expenses incurred by the Senate Select Committee at the session of 1871-'72, in investigating the condition and management of the Alabama and Chattanooga railroad.

Be it resolved by the Senate of Alabama, (the House of Representatives concurring therein), That the Auditor of Public Accounts be and he is hereby authorized and required to draw his warrant on the State Treasurer in favor of the persons hereinafter named, for the sum set opposite their names, to pay the expenses incurred by the Senate select committee at the session of 1871-'72 in investigating the condition and management of the Alabama and Chattanooga railroad, to-wit:

Chas. O. Whitney, the sum of two hundred and sixteen dollars.

- J. L. Pennington, the sum of fifty-four dollars.
 J. M. Martin, the sum of fifty-four dollars.
 Wm. Johnson, the sum of one hundred and forty-eight dollars.
 W. A. Crawford, the sum of one hundred and forty-eight dollars.
 J. C. Stoneburner, the sum of one hundred and eight.
 R. W. Chappell, the sum of one hundred and eight dollars.
 W. H. Spaulding, the sum of thirteen 50-100 dollars.
 T. J. Allison, the sum of forty 50-100 dollars.
 J. T. Wilder, the sum of forty 50-100 dollars.
 C. B. Wallace, the sum of thirty-one 50-100 dollars.
 T. G. Garrett, the sum of forty 50-100 dollars.
 W. W. Simpson, the sum of forty 50-100 dollars.
 T. P. McMillan, the sum of forty 50-100 dollars.
 E. V. Johnson, the sum of forty 50-100 dollars.
 James M. Anderson, the sum of forty 50-100 dollars.
 W. T. Goodwin, the sum of forty 50-100 dollars.
 J. W. Dereen, the sum of one hundred and fifty-one dollars.
 John Goode, the sum of ninety dollars.
 George Yarrington, the sum of forty-five dollars.
 Approved March 28, 1873.

No. 30.] JOINT RESOLUTIONS

Providing payment for copying the Journals of the Senate and House of Representatives and for distributing a portion of said Journals.

Resolved by the Senate, (the House of Representatives concurring,) That the Secretary of State be instructed to have three hundred copies of the journals of the Senate and House bound, and that he mail a copy of each to each State library, and one copy of each to each member of the General Assembly.

Be it further resolved, That the sum of five hundred dollars be and the same is hereby appropriated to the Secretary of the Senate and the Clerk of the House, each, for the purpose of copying the journals of their respective Houses for the State Printer, to be paid upon the certificate of the Secretary of State that said copies have been furnished to him, and the Auditor is hereby directed to draw his warrant for the above sums in favor of the Secretary of the Senate and Clerk of the House, upon said certificate of the Secretary of State.

Approved April 23, 1873.

No. 31. | JOINT RESOLUTION

To provide for the payment of the sergeant-at-arms for services rendered, and for the payment of the witnesses summoned before committee authorized to send for persons and papers.

Be it resolved by the House of Representatives of the General Assembly of Alabama, (the Senate concurring), That the sergeant-at-arms be and he is hereby allowed ten cents per mile and his actual expenses for summoning witnesses upon subpoenas issued by the chairman of committees authorized to send for persons and papers, and that each witness so summoned and attending upon such committees shall be allowed four dollars for each days attendance before such committees and ten cents per mile mileage, one way, and the Auditor of the State is hereby authorized and instructed to draw his warrant upon the Treasurer, in favor of said sergeant-at-arms and said witnesses upon the certificate of the chairman of such committees for the amount so certified to be due.

Approved April 5, 1873.

No. 32.] JOINT RESOLUTION

To provide for the expenses incurred by the select committee of the Senate to investigate the Marengo and Butler and Conecuh Senatorial contests.

Be it resolved by the General Assembly of Alabama, That the Auditor of State must draw his warrant on the State Treasurer in favor of the members, clerks and sergeant-at-arms of the select committee of the Senate to investigate the Marengo and Butler and Conecuh Senatorial contests and the witnesses before said committee, for the respective amounts certified to be correct by the chairman and clerk of said committee; the members and clerks to be allowed at the rate of six dollars per day, the sergeant-at-arms at six dollars per day and actual expenses in the discharge of official duties, and the witnesses at four dollars per day and ten cents per mile to and from their residences by the usual travelled route.

Approved, February 5, 1873.

No. 33.] JOINT RESOLUTION

To pay J. W. Dereen, Jas. T. Jones, William Miller, jr., and E. W. Martin, contestants in the Marengo and Butler and Conecuh Senatorial contests.

Be it resolved by the General Assembly of Alabama, That the Auditor of State must draw his warrant on the State Treasurer in favor of J. W. Dereen, Jas. T. Jones, William Miller, Jr., and E. W. Martin, parties to the contests in the twenty-sixth, and thirty-first Senatorial districts, during the time of their attendance before the special Senate committee on contested elections, for the respective amounts certified to be correct by the chairman and clerk of said committee at the rate of six dollars per day.

Approved February 18, 1873.

No. 34.] JOINT RESOLUTION.

Be it resolved by the Senate and House of Representatives in General Assembly convened, That the Auditor be authorized and instructed to draw his warrant on the Treasurer for thirty dollars in favor of Robert C. Clark for services rendered as door keeper of the House of Representatives in eighteen hundred seventy-one and seventy-two.

Approved, March 7, 1873.

No. 35.] JOINT RESOLUTION.

Be it resolved by the House of Representatives, (the Senate concurring), That the Auditor be and he is hereby authorized and directed to draw his warrant on the State Treasurer, in favor of F. M. Shouse, late sheriff of Talladega county, for the sum of seventy-five dollars for services rendered, &c.

Approved April 15, 1873.

No. 36.] JOINT RESOLUTION.

Resolved by the House of Representatives, (the Senate concurring), That the Auditor be authorized to draw his warrant upon the Treasurer in favor of Jonathan Barton, of the county of Winston, in the sum of fifty-six 75-100 dollars, for services rendered as sheriff of said county in conveying William Brumly, a lunatic, to the asylum at Tuskalooza, Alabama.

Approved April 22, 1873.

OFFICE SECRETARY OF STATE,
MONTGOMERY, ALA., June 16, 1873.

I certify that the foregoing Acts, Resolutions and Memorials
are correct copies from the original rolls on file in this office.

P. RAGLAND,
Secretary of State.

ERRATA.

On page 18, in section 7, after "County Treasurer," read "One Tax Assessor."

On page 105, for "March 21, 1873," read "March 7, 1873."

On page 149, in section 4, fifth line, before "in March" read "after the fourth Monday."

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OFFICERS AND MEMBERS
 OF THE
GENERAL ASSEMBLY OF ALABAMA.
 SESSION OF 1872-73.

NAME.	POSTOFFICE.	COUNTY.
McKinstry, A., Lt. Gov. and Pres.	Mobile	Mobile.
Woods, M. L., Secretary	Birmingham	Jefferson.
Garrett, B. F., Asst. Secretary	Bradford	Coosa.
Chardavoyne, W. V., Eng. Clerk.	Montgomery	Montgomery.
Chardavoyne, L. B., Ast. Eng. "	Montgomery	Montgomery.
Taylor, Thos., Asst. Eng. Clerk.	Opelika	Lee.
Graham, J. H., Enrolling Clerk.	Marion	Perry.
Clanton, W. H., Asst. En. Clerk.	Montgomery	Montgomery.
Clarke, R. C., Door-Keeper	Wetumpka	Elmore.
Woods, A. P., Page	Birmingham	Jefferson.
Hails, C., Page	Montgomery	Montgomery.
Sykes, S., Page	Montgomery	Montgomery.
Cothron, W., Page	Centre	Cherokee.
Black, Jacob	Senator	Eufaula
Carmichael, J. M.	"	Ozark
Cobb, R. W.	"	Helena
Coleman, Daniel	"	Athens
Cooper, Thos. B.	"	Centre
Cunningham, A.	"	Talladega
Curtis, A. H.	"	Marion
Dereen, J. W.	"	Demopolis
Doster, C. S. G.	"	Prattville
Driesbach, J. D.	"	Mt. Pleasant
Duskin, G. M.	"	Greensboro
Edwards, W. H.	"	Chepultepec
Ervin, R. H.	"	Camden
Glass, W. W.	"	Tuskegee
Goodloe, J. C.	"	Cherokee
Hamilton, Peter	"	Mobile

NAME.		POSTOFFICE.	COUNTY.
Haralson, Jere	Senator.	Selma	Dallas.
Harris, B. W.	"	Columbus, Ga.	Russell.
Hewitt, G. W.	"	Birmingham	Jefferson.
Jones, J. W.	"	Hayneville	Lowndes.
Leftwitch, Lloyd	"	Falkland	Greene.
Little, Jr., Wm. G.	"	Livingston	Sumter.
Martin, John M.	"	Tuskaloosa	Tuskaloosa.
Miller, Jr., Wm.	"	Greenville	Butler.
Murphy, S. H.	"	Huntsville	Madison.
Parks, W. H.	"	Troy	Pike.
Pennington, J. L.	"	Opelika	Lee.
Robinson, J. J.	"	LaFayette	Chambers.
Royal, B. F.	"	Union Springs	Bullock.
Snodgrass, A.	"	Scottsboro	Jackson.
Terrell, John A.	"	Dadeville	Tallapoosa.
Walton, S.	"	Desotville	Choctaw.
Wilson, A. P.	"	Montgomery	Montgomery.

NAMES

OF

REPRESENTATIVES AND THEIR POSTOFFICES

NAME.	COUNTY.	POSTOFFICE.
Lewis E. Parsons, Speaker.	Talladega . . .	Talladega.
Robert Barber, Clerk.	Montgomery.	Montgomery.
W. V. Turner, Ass't Clerk.	Elmore	Wetumpka.
D. L. Dalton, Journ'l Clerk.	Montgomery.	Montgomery.
S. Barnard, Asst Jour. Cl'k.	Elmore.	Wetumpka.
Phillip Joseph, Eng. Clerk.	Mobile.	Mobile.
W. H. Council, Asst Eng Clk.	Madison	Huntsville
Harwell, J. E., Enrol'g Clk.	Montgomery.	Montgomery.
F. M. Shouse, Asst. En. Clk.	Talladega.	Talladega.
M. G. Candee, Door-Keeper	Wilcox	Camden.
S. D. Oliver, Serg't-at-Arms.	Elmore	Wetumpka.
J. G. Oliver, Page.	Elmore	Wetumpka.
Stephen Russell, Page.	Montgomery.	Montgomery.
Thos. Abercrombie, Page.	Montgomery.	Montgomery.
Robert Cook, Page.	Montgomery.	Montgomery.
Anderson, D. C.	Mobile	Mobile.
Ash, George W.	St. Clair	Ashville.
Barnett, S. H.	Monroe.	Monroeville.
Barrow, J. H.	Chambers.	West Point, Ga.
Barton, Jonathan.	Winston.	Larissa.
Boyd, R. K.	Marshall.	Guntersville.
Brewer, Leroy	Mobile	Mobile.
Broadnax, C.	Crenshaw.	Mount Carmon.
Brown, J. E.	Jackson	Scottsboro.
Brown, N. H.	Tuskaloosa.	Tuskaloosa.
Bruce, John	Wilcox	Prairie Bluff.
Carson, W. E.	Lowndes.	Mount Willing.
Chapman, J. C.	Clarke	Point Jackson.
Clarke, T. J.	Barbour	Clayton.

NAME.	COUNTY.	POSTOFFICE.
Clark, P. G.	Perry	Uniontown.
Clopton, N. V.	Butler	Greenville.
Cloud, N. B.	Montgomery	Montgomery.
Cochran, Henry	Dallas	Selma.
Cockrill, S. W.	Greene	Eutaw.
Cowan, J. H.	Jackson	Princeton.
Crawford, Daniel	Coosa	Rockford.
Corsbie, Samuel	Colbert	Alsboro.
Davis, C. H.	Bullock	Union Springs.
Dotson, M-nter	Sumter	Livingston.
Dozier, John	Perry	Uniontown.
Draxler, Frank	Mobile	Mobile.
Dustan, C. W.	Marengo	Demopolis.
Elliott, A. M.	Shelby	Columbiana.
Ellsworth, Hales	Montgomery	Montgomery.
Fantroy, Samuel	Barbour	Eufaula.
Franklin, John N.	DeKalb	Fort Payne.
Galaspie, H. A.	Blount	Blountsville.
Goldsby, J. H.	Dallas	Fords.
Greene, J. K.	Hale	Greensboro.
Greene, R. J.	Jefferson	Irondale.
Gresham, J. B.	Pickens	Carrollton.
Hamilton, A. J.	Marion	Pikeville.
Hannon, J. B.	Elmore	Wetumpka.
Hawkins, T. C.	Green	Haysville.
Howell, W. P.	Cleburne	Oak Level.
Hunter, W. H.	Lowndes	Hayneville.
Johnson, R. L.	Dallas	Selma.
Jones, Samuel G.	Lee	Youngsboro.
Jones, Renben	Madison	Huntsville.
Kelly, E. D.	Walker	Eldridge.
Lamb, John	Limestone	Athens.
Lawrence, G. W.	Cherokee	Gaylesville.
Lee, C. S.	Coffee	Elba.
Levey, J. M.	Montgomery	Montgomery.
Lewis, G. S. W.	Perry	Uniontown.
Lovvorn, W. D.	Randolph	Lamar.
McAfee, N. S.	Talladega	Talladega.
McCaskey, T. D.	Wilcox	Camden.
McCoy, H. R.	Chambers	Miltown.
McHugh, John H.	Mobile	Mobile.
Mancill, E. J.	Covington	Andalusia.
Manning, A. R.	Mobile	Mobile.

NAME.	COUNTY.	POSTOFFICE.
Masterson, Thomas	Lawrence	Courtland.
Matthews, Perry	Bullock	Union Springs.
Maull, January	Lowndes	Benton.
Millen, G. R.	Russell	Fort Mitchell.
Merriwether, Willis	Wilcox	Prairie Bluff.
Moss, J. M.	Madison	Huntsville.
Murfree, Joel D.	Pike	Troy.
Musgrove, W. A.	Fayette	Palo.
Patterson, S. J.	Autauga	Antaugaville.
Patterson, George	Macon	LaPlace.
Peddy, Thomas B.	Lee	Loachapoka.
Purcell, H.	Henry	Columbia.
Reed, Robert	Sumter	Belmont.
Reese, B. W.	Hale	Greensboro.
Renfro, J. M.	Calhoun	Jacksonville.
Simpson, John S.	Lawrence	Courtland.
Slater, J. A.	Choctaw	Butler.
Smith, J. N.	Bibb	Centreville.
Smith, W. G. W.	Morgan	Forkville.
Smith, H. P.	Tallapoosa	Young's \times Roads.
Speed, L. S.	Bullock	Union Springs.
St. Clair, Henry	Macon	Tuskegee.
Stallworth, Nicholas	Conecuh	Evergreen.
Steel, James W.	Madison	Huntsville.
Steel, Lawson	Montgomery	Mount Meigs.
Stone, Lewis M.	Pickens	Carrollton.
Stribling, William	Washington	St. Stephens.
Taylor, B. F.	Lauderdale	Centre Star.
Taylor, William	Sumter	Belmont.
Threat, F. H.	Marengo	Demopolis.
Thomas, B. R.	Marengo	Uniontown, Perry co
Treadwell, J. R.	Russell	Hurtville.
Vaughn, James M.	Baldwin	Stockton.
Walker, Thomas	Dallas	Selma
Whatley, W. H.	Tallapoosa	Fish Pond.
Weatherford, W. W.	Franklin	Frankfort.
White, J. H.	Clay	Ashland.
White, Alexander	Dallas	Selma.
Wilkinson, Levi	Dale	Skipperville.
Williams, A. E.	Barbour	Eufaula.
Williams, L. J.	Montgomery	Montgomery.

TABLE

OF THE

RATES OF INTEREST OF THE STATES OF THE UNION.

COMPILED IN PURSUANCE OF AN ACT APPROVED FEBRUARY 18TH, 1848.

Maine	6 per cent.	Kansas, convent'l	10 per cent.
Rhode Island	6 " "	New Hampshire	6 " "
Massachusetts	6 " "	Connecticut	6 " "
New York	7 " "	Vermont	6 " "
Pennsylvania	6 " "	New Jersey	6 " "
Maryland	6 " "	Delaware	6 " "
North Carolina	6 " "	Virginia	6 " "
Tennessee	6 " "	South Carolina	7 " "
Ohio	6 " "	Kentucky	6 " "
Illinois	6 " "	Indiana	6 " "
Alabama	8 " "	Georgia	8 " "
Arkansas	6 " "	Missouri	6 " "
Iowa	7 " "	Michigan	6 " "
Texas	8 convent'l	Florida	8 " "
California	10 " "	Wisconsin	7 " "

MISSISSIPPI.—Legal interest, 6 per cent. ; lent money, 8 per cent.

LOUISIANA.—Legal interest, 5 per cent. ; bank interest, 6 per cent. ; conventional interest, 10 per cent.

